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ABSTRACT

Presented are nine papers given at a New Zealand symposium on the prevention and treatment of delinquent/antisocial behavior in children and adolescents. Major theories such as the cultural deviance theory are noted in the introduction by D.R. Mitchell. J. E. Ritchie defines delinquency as law breaking, critiques delinquency research, and offers a paradigm of social forces for analysis. Considered by B. C. Atwool is whether punitive measures and isolation can be reconciled with effective therapy for institutionalized delinquents. Sociological perspectives of delinquency are examined by D. Chapple. Among recommendations for the prevention of delinquency by I.J. McKissack is prevention of opportunities for crime and refinement of methods for dealing with distrubed offenders. Procedures of the New Zealand courts in dealing with juvenile delinquents are reviewed by A. C. Rounthwaite. R. A. Austin gives a critical look at the rationale and efficacy of the legislative and punitive approach to delinquency. B. S. Parsonson reviews applications of behavior modification to delinquent behaviors. The previous seven papers are assessed by J. F. Thompson who notes the common assumption of delinquency as a social problem, I. J. McKissack responds to Thompson's comments and defends his concept of social maturity. (DB)

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Edited by D.R. Mitchell

University of Waikato,
Hamilton,
New Zealand.
1973

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THE PREVENTION AND TREATMENT

OF

DELINQUENT/ANTI-SOCIAL BEHAVIOUR

IN

CHILDREN AND ADOLESCENCE :

A collection of some papers
presented at a symposium held at
the University of Waikato,
July 1970.

Edited by D R Mitchell

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INTRODUCTION

D R Mitchell

This publication contains a selection of papers that were delivered at a multi-disciplinary symposium held at the University of Waikato in July-August 1970. Editorial procrastination has been the only reason for these papers not gaining access to the wider audience I think they deserve. In view of this delay in publication it is appropriate that before providing an overview of the papers and their thematic links, I should make reference to two of the significant developments that have taken place in the field during the last three years.

The first noteworthy event has been the amalgamation in 1972 of the Child Welfare Division of the Department of Education with the Social Security Department to form the Department of Social Welfare. The purpose of this amalgamation was stated by the then government as being "The development and administration of effective social welfare policies and social welfare services" and the encouragement of "cooperation and coordination of social welfare activities" (Anderson, 1972, p 197). It is too soon to ascertain whether, once this marriage has settled into place, it will bring about anything more than administrative efficiency. I would suggest, however, that it would be unduly optimistic to hope that such a tinkering with the organisation of the social welfare system will, in and of itself, be of major significance in alleviating the pressing (and depressing) problem of delinquency in this country. Perhaps the best one can hope for is that a new administrative structure may allow different ideas on the prevention and treatment of delinquency to emerge.

But, just what is the nature of the problem? This brings me to the second of the major developments to have taken place since the symposium - the 1973 publication by the Department of

Social Welfare of the booklet Juvenile Crime in New Zealand. In this booklet, juvenile crime was defined as "a breach of the law resulting in the prosecution in the Childrens' Court of a young person between the ages of 10 and 16 inclusive." (p 9). With reference to this group, several trends - many of them anticipated in the papers of the symposium - were reported, the most noteworthy being listed:

(1) Officially recorded juvenile delinquency has increased steadily over the last two decades and in 1971 was nearly four times the 1950 rate. (p 13). Or, in human terms, some 12,794 appearances before the Childrens' Court were made by children and adolescents in 1971.

(2) Juvenile offending is mostly a boys' problem which increases rapidly with age, and offending rates for Maoris are markedly higher than they are for non-Maoris. If the 1971 offending rates remain static over the next 7 years the following proportion of 1973 10-year olds will have appeared in Childrens' Court for offending or misbehaviour at least once before their seventeenth birthday:

	%
Maori boys	52.4
Non-Maori boys	11.8
Total boys	16.2
Maori girls	23.9
Non-Maori girls	3.6
Total girls	5.8

(3) Once a child has appeared in a Childrens' Court for an offence, he has more than a 40% chance of reappearing there - a recidivism rate which has not changed much in recent years. The success rate is, in fact, only comparable with the changes which are brought about in overseas reports of situations of no treatment (pp 25-26).

We have, in short, a social problem of undeniably major proportions which does not appear to be diminishing as a result of the current amalgam of preventive and treatment practices.

In considering the issue of preventing and treating delinquency, most

of the participants in this symposium have addressed themselves to the problem of defining causal factors. And, in keeping with the diversity of opinion held both at lay and professional levels, it is not surprising to see divergent explanations being advanced, some writers emphasizing a range of causative factors and others homing in on particular causes. A useful way of conceptualizing the various views expressed in this symposium is provided in a taxonomy of theories outlined by Hirschi (1969). He considers that three fundamental perspectives on delinquency and deviant behaviour dominate current explanations.

Firstly, there is the strain or motivational theory in which it is assumed that a person is forced into deviance because he has legitimate desires which conformity cannot satisfy. In Professor Ritchie's useful paradigm, the strain theory can best be equated with the category of "deprivation of ... the means to attain desired ends" (p 11). Mr McKissack seems to accept this view when he links some forms of delinquency with "attempting to obtain some socially approved goal by illegitimate means" (p 46). So, too, does Mr Chapple when he associates delinquency with what he considers to be a lack of opportunity for young people to participate widely and with positive effect in society (p 32). Mr Thompson also appears to favour this perspective, particularly when he expresses interest in Professor Ritchie's comment on relative deprivation (p 91).

The second perspective put forward by Hirschi is the control theory which assumes that a person is free to commit delinquent acts because his ties to the conventional order, or morality, of society are broken or weak. Or, in Professor Ritchie's terms, a state of "normlessness" exists (pp 10-11). This view seems to be implicit in Mr Rounthwaite's assumption that delinquency may be the result of "freedom from fear of the restraints of the past" (p 51).

Thirdly, there is the cultural deviance theory which holds that the deviant is, in fact, conforming to a set of standards, except that they are not the standards accepted by the larger or more powerful

society. Such explanations assume that the delinquent has simply learned the standards of his own group, that he is living up to the demands of his own culture. Again, Professor Ritchie would see this as involving the "adoption of anti-social norms" (pp 10-11). Perhaps the closest to this theory is Mr Parsonson's discussion of delinquent behaviour as being reinforced and maintained by social approval from peers (p 71). Mr Atwool also seems more sympathetic to this theory than to the other two when he warns against procedures which could lead to overinstitutionalization and argues for helping delinquents develop a set of standards more in keeping with those of the wider community (p 25). Although Mr Thompson has considerable sympathy for the strain theory, the main thrust of his paper is from a cultural deviance perspective. This can be seen for example, in his claim that delinquency may be an "allegation against the way of being" (p 85) and in his assumption that delinquent groups have a different set of values.

In addition to the seven papers I have mentioned so far there is one by Inspector Austin which summarizes the legislative and punitive approach to delinquency and a brief reply by Mr McKissack to some of the statements incorporated in Mr Thompson's paper. Two papers are not included in this publication because they contained confidential case material.

REFERENCES

Anderson, L G (1972), The Child Welfare Division, in S J Havill and D R Mitchell (eds), Issues in New Zealand Special Education, Auckland, Hodder and Stoughton.

Hirschi, T (1969), Causes of Delinquency, Berkeley and Los Angeles: University of California Press.

Social Welfare Department (1973), Juvenile Crime in New Zealand, Wellington: Government Printer.

PAPER 1

DELINQUENCY: HOW TO MAKE A SOCIAL PROBLEM

James E. Ritchie,
Professor of Psychology,
University of Waikato.

Delinquency as Law Breaking

The categorization of delinquent acts into a putative syndrome, the delinquent person, has led to a futile search for some common developmental history that, it is supposed, goes to make a delinquent. The empirical study of personality is forcing the abandonment of "in there" explanations of this kind generally. Any act is a consequent of a person in a situation, subject to a set of social forces. This does not imply that responsibility for lawbreaking lies entirely outside the person, that he is a "poor misguided victim of a broken home" or that his behaviour is due to "bad associations", any more than it is the "fault of his parents" or any other of the mono-causal explanations that lay opinion or "commonsense" would enjoin us to accept.

Nor is it exclusively a phenomenon of exclusively poor neighbourhoods or backgrounds, the result of poverty, low educational attainment, parental disharmony or divorce or any other of the indicators so familiar from delinquency prediction tables. The urge to act out isn't confined to those in poverty, those who join gangs, those who live in the city or individuals from any other sociological category.

Gold has recently shown (1970) that the relationship between delinquency and the related variables of social class, slum residence, and race have been exaggerated. There does seem to be a relationship between social class and the delinquent behaviour of a son (but not of a daughter); but this relationship, however, real, is slight. The relationship between poverty and delinquency is a weak one on which to rest a broad theory of delinquency.

Nor does he find the idea of each person having his own special crim too convincing. "Youngsters in our study cannot be typed. Youngsters are eclectic in their delinquency: those who steal also fight; those who fornicate also steal; and the girls are not distinguishable in their offences from the boys." What then does characterise those apprehended in delinquent acts? One factor only - willingness to break the law. Nothing more; not ignorance of the law, culture shock, rapid social or cultural change, not migration, unresolved Oedipal soap operas, punishing fathers, double-binding mothers. Breaking the law, any law, seems to be the motive we have to explain, understand and control if we want to reduce the incidence of delinquent acts. The psychology of delinquency has been ingenious but ingenuous. Lawbreaking as a positive, if impulsive, conscious urge is a motive and that is the first and maybe only psychological fact to be considered.

This is dangerously close to circularity - stop people breaking the law and law breaking will be reduced! But there's more to it than this. Behind the act lies the urge. Before apprehended for being drunk in charge after an accident you might have a night's career that included a sequence; drinking in a public bar while under age, converting a car, giving a passing cop "the fingers", driving at excessive speed, careless driving, dangerous driving, then crash! The whole of this has to be understood, not just the final crime. But what does lie behind it isn't always what people (even those in the helping professions) generally assume.

Gold shoots down many common assumptions. The parents of teenagers involved in delinquent acts are not especially irresponsible or neglectful - no more so than the general distribution of such behaviour. Often they are aware and actively trying to control the delinquent behaviour. Unsuccessful yes, but uncaring no.

The common feature, Gold asserts, is that this behaviour is

related to inadequacies, usually more than one, in some important role expectations either by the teenager himself, his peers or his parents. Delinquent acts are status redressing behaviour, evening up a ledger showing too much deficit, lags are in the psychological red. It is often achieving behaviour in an achieving society (though not always in its dominant and usual objectives).

The deficit is relative and not necessarily material or monetary. It is perceived within the pattern of social forces acting on the person, and in the person, and perhaps not always at a highly conscious level. "I don't know why I did it - I just felt like it" is a statement of a highly motivated person, not of an apathetic layabout. Delinquent acts are caused within a setting and its social forces; they are never purely random or meaningless.

The act of lawbreaking rests on the urge to break the law. We may pretend to a cleverness the subject doesn't have and look for deeper explanations in his history. There is neither evidence nor guarantee that doing so will help him in any way at all. It may do the reverse by providing an elaborate rationale for the delinquent act. All that obtains in the person's history was there <u>before</u> the act occurred - so why didn't he act that way earlier. Logically the situation of the act added the essential ingredient. Gold thinks this is the urge to rebel, to commit an anti-law act. The logic also seems inescapable that correction must begin by examining this new and essential ingredient in the context of the immediate or immediately prior events to the act.

If the examination of the case reveals a persistent undetected history of such acts you aren't dealing with a delinquent but with a person who has a criminal habit, which isn't the same thing aetiologically nor to be handled in the same way therapeutically.

A Critique of Research on Delinquency

Failure to attend to the social forces around the "decision" to break the law has vitiated much of the research in this area. There are a number of other failures which we need to take account in passing. One of the chief of these, to restate what has been said above, is the failure to discriminate between the precipitating factors of the act and the maintenance factors in the personality or the societal or cultural context to which the person belongs. The law concentrates on precipitating factors and only takes maintenance factors into account in determining sentence when the probation officer or some such person may speak of the individual's background. The urge to break the law constitutes a conversion in many cases of maintenance factors into precipitating factors. That the urge is inexplicable by the subject to himself is not surprising. As with any other discrete act every item in the whole inventory of the person's life space contributes to his motivation at the time of his act. Therefore, the important therapeutic understanding can only be gained by seeing the meaning of the delinquent act to every other aspect of the person's present situation that one is able to understand.

There is also a regrettable lack of discrimination in the literature of delinquency research between the developmental and pathological. Either at times of transition in development from one status to another, or even from one state to another, the urge to break out of confines established by law or lore may prove irresistible. Age is not the significant factor to which one should attend in assessing the developmental significance of the act, but rather one should seek to understand what the act means in making transition from the place where the person was (psychologically conceived) to the place where he thinks he is going or to which he is being forced (whether real or imagined). In this context inaction is a state of great relevance. This may go under

many names - boredom, being a drop-out, 'being hung-up', a feeling of being stuck, confined, or left behind.

Ultimately one has to make a judgment about the delinquent act in terms of the whole person. Does it contribute to a development that is socially, psychologically coherent - in which case it is not pathological however socially deviant - or does it simply constitute an act of breaking the law which, by definition, we must presume is delinquent.

This raises the question of the criteria which indicate pathology. Much of the literature uses obsolete psychological jargon such as the concept of the psychopath, or the kind of language enshrined in instruments such as the M.M.P.I. Psychiatry must get along as best it can with these kinds of categories until such time as its practitioners can agree to use terms which are more empirically justified and scientifically based. Those who are able to work outside a psychiatric context might as well use other terminology (less likely to lead to category errors) such as that suggested by Jahoda in her discussion of a positive concept of mental health.

There is another problem in delinquency research of a category kind. For reasons which seem administratively comprehensible but scientifically either soft headed or simple minded or both, much of the literature appears to assume that there is some categorical unity involved in classifying crimes by kind. We are now very well aware that theft is only a category if you think in material terms. There is absolutely no justification in presuming that those who commit delinquent theft think in that way unless they are career criminals in the business of obtaining material goods to buy and sell as in any other business. The delinquent will, in almost every case, have complicated symbolic reasons not the least of which is that theft is a readily accessible way of expressing the urge to break the law. The satisfaction is even greater if the object stolen is valued by

its owner in symbolic terms far greater than its material worth. The stupid theft of trivia (as society and the court see many delinquent thefts) becomes neither stupid or illogical if this fact is realised.

Finally, delinquency research has, in general, failed to take a Gestalt view of the cultural milieu in which the delinquent act occurs. Much of it regards the act in isolation or looks at only one set of milieu variables, e.g., the family, gang membership, membership in an ethnic minority (which is a respectable term for what are frequently rather racist assumptions on the part of the researchers) and so on.

A Paradigm for Analysis

In this presentation I have emphasised the situational and functional meaning of the delinquent act in terms of ego and milieu. This is essentially a therapeutic strategy, for the prevention of further delinquency rests on the individual's management of the maintenance factor to which are added the precipitating factors and the essential ingredient of the urge to break the law.

The maintenance factors must be understood in terms of three sets of social forces, those which stem from the individual's socio-cultural background, his past and present personal familial situation, and the intra-psychic forces that operated on him at the time of the delinquent act.

In addition to these three major systems of social forces are four conditions within the situation in which he, or she, was at the time of the act: something happened to the individual's personal norms in this situation which made the person normless, which swept away standards which previously applied though it must be acknowledged that some individuals may be in a continuing state of normlessness over some period of time; some conflict occurred in that

situation that must be analysed; at some level of awareness the individual adopted or had available anti-social norms on which to operate; some situation of deprivation of resources or status or the means to attain desired ends applied.

Now the normlessness may be the result of forces in any of the three systems previously referred to. It may come from membership of a socio-cultural group which has somehow become 'entitled' to act lawlessly. The classic example of this may be seen in John Dollard's description of the 'gain' which an individual achieves by being a member of some group subject to social discrimination. This may be linked with a familial background which supports the socio-cultural forces but very frequently it may not. Normlessness may also be closely related to the immediate inter-psychic history of social reinforcement, for if the individual has been getting negative or no reinforcement from that which is regarded as within the law the urge to go outside the law may become irresistible since no one can survive long periods of poor, or little reinforcement. Similarly the conflict in the situation may derive from socio-cultural, familial, or intra-psychic sources. The availability of anti-social norms at the time of the act may also arise from any of these three sources but in almost every case you will probably find a social or family contribution to a negative identity which at the intra-psychic level the individual rejects by the delinquent act or accepts by making the delinquent protest.

I am inclined to think that deprivation is the most potent area of background contribution to the situation in which the delinquent act occurs. As with anything else in human psychology we are not concerned with absolute states of deprivation but with relative or perceived relative states of deprivation. Also the terms in which deprivation is perceived are changing very rapidly as our culture itself moves from valuing achievement, self-aggrandizement,

personal progression in wealth power and status, toward a condition where the young at least are placing emphasis on the exact opposite of these values. Thus the son of a wealthy, much admired, economically, politically and socially powerful father may act in terms of deprivation produced by these very things - a deprivation he may see in terms of the time a father should spend doing nothing with his son, messing around in boats, transforming the day's encounters into the tragi-comic myths of family jokes and a communal sharing of experiences. In a society so dedicated to nuclear systems and individuality it may indeed be communal experience that constitutes our major deprivation for the young. If they could say it perhaps every delinquent might remark, "I was born under a wrong star, to the wrong parents, at the wrong time in history, into a society I did not like, which could not accept me, which I could not accept, whose goals I could not make my goals, where everything I created was destroyed, and where, in the end, it was necessary to become a sacrifice on the altars of its gods."

They will rarely, if ever, say this or anything like it. Perhaps we should therefore say it for them though it will do no good to say it to them. They are rarely the agents of a brave new world but always a mordant comment on the one we have.

References

Moles, O., Ron Lippitt and Steve Withey, A Selective Review of Research and Theories Concerning the Dynamics of Delinquency. Institute for Social Research, University of Michigan, Ann Arbor, 1959.

Gold, M., Status Forces in Delinquent Boys, I.S.R. University of Mich., Ann Arbor, 1963.

Gold, M., Delinquent Behaviour in an American City, Brooks/Cole, 1970.

PAPER 2

DELINQUENTS IN AN INSTITUTION: CAN PUNITIVE MEASURES AND ISOLATION FROM A COMMUNITY BE RECONCILED WITH EFFECTIVE THERAPY?

B.C. Atwool,
Warden,
University of Waikato.

First of all, what is involved in the term "effective therapy"? For the purpose of this paper, I shall take it to mean planned remedial treatment at depth, the effectiveness of which is judged in terms of personality integration plus satisfactory adjustment to community living.

In last year's Symposium which many of you attended, I presented a paper entitled "The Institutional Care of Socially Maladjusted Children". Most delinquent children are socially maladjusted, and there is a certain amount of overlap between the two subjects. On this occasion I shall try to avoid repetition by not dealing with institutions as they are so much as outlining ways in which I believe that institutions for delinquents can offset the anti-therapeutic influences listed in the title.

It is important to remembe that the term "delinquent" refers to a person who has committed certain breaches of society's norms rather than to any particular type of person. One of the problems in generalising about delinquents is indeed the tremendous range and variety of individual differences among them, and common factors are hard to find. One useful definition has been provided by Derek Miller, who says, "Delinquency may be looked on as the result of outwardly directed aggressive actions on the part of an individual which are rightly perceived by the society in which he lives as an attack". This theme of aggression and attack is an important one. It does not necessarily involve openly aggressive behaviour, but rather implies a personality in which the development of ego identity

or integration is being adversely affected by an abnormal measure of hostility and resentment, even though it may be masked by a veneer of subservience and conformity. Similarly, many delinquents appear to expect and accept the fact that they should be punished for their actions, but still unconsciously interpret such punishment as society's attack on them, so that the problem of aggression and counter-aggression can all too easily become a kind of psychological snowball. Traditional institutions for delinquents were, in fact, excellent environments for the growth of such a snowball with their emphasis on regimentation, authority and externally applied discipline. They could sometimes control behaviour in the short run, but they compounded the underlying problems and increased the likelihood of further delinquency after discharge.

In terms of the specific topic of this paper, the very fact of the loss of freedom involved in an institutional placement is highly likely to be regarded by the delinquent as punishment, or counter-attack by society. I believe, however, that this in itself does not necessarily preclude the possibility of effective therapy as long as the atmosphere of the institution is not punitive, and the staff are accepting and supportive rather than judgemental. Such an atmosphere will be strange for the new arrival, whose prejudices about all authority figures and whose store of hostility (conscious and/or subconscious) lead him to expect people to look down on him, reinforcing his own inadequate self-image and at the same time allowing him to rationalise or justify further anti-social behaviour. Such rationalisation is sometimes carried to the stage of denying responsibility for behaviour, which can prevent any real progress. As the Gluecks put it, "Whether an offender's will is 'free' or 'determined', the assumption that it is at least partially within his power to conform his behaviour to the requirements of life in society is psychologically and therapeutically indispensable". Given some acceptance of responsibility, the delinquent can also be helped

to accept the punitive element inherent in his loss of freedom, through levels of communication with adults which he has not managed to achieve before, which can give him some security, sense of personal worth and hope for the future.

The second punitive aspect, that of self-punishment, is a variant of the first. Some delinquents have strong guilt feelings about their behaviour, and for those who do not mix easily the removal from home and family to a group living situation can be a traumatic experience, causing their withdrawal into a kind of mental self-flagellation through which they convince themselves of their own worthlessness, as a way of opting out of the effort required to rehabilitate themselves. While the general atmosphere of the institution can act as an irritant in such cases, it can also provide an opportunity of building up a personal and therapeutic relationship with an individual adult who through training and skill can help the delinquent over this major hurdle. Considerable individual attention may be required, but this can go hand in hand with a certain amount of environmental manipulation to provide opportunities for creative activities which are not always available to the delinquent living in the community.

The third aspect is that of punishment for misbehaviour within the institution. As a reaction against regimentation there have been several experiments of institutions with virtually no rules or punishments, and some of these have been remarkably successful with small selected groups. Otto Shaw, the Headmaster for over 30 years of Red Hill School, says in this connection, "I have never yet seen the punishment that has shown the delinquent a better way of life, or the person who can convince the aggressor that society seeks to remove his aggression by showing aggression itself". The term punishment seems to incorporate a personal element, even when administered with the supposed panacea of "I am doing this for your

own good". Some delinquents need to feel able to defy established authority without any direct retribution which they can interpret as a counter-attack. Such a statement would seem heretical to the many people who believe delinquency to be caused by a lack of discipline in early life, and so conclude that additional doses of discipline now will restore the balance. This view is in my opinion an erroneous over-simplification of a complex problem. Erikson considers that a secure identity rests on the acquisition of eight character qualities which develop successively from early infancy through to late maturity, that each quality is transformed by experience at each developmental stage, and that each age brings a crisis of identity in terms of that quality. Each stage has its own time and the successful person has worked through each to get satisfaction in each and thus lay the abiding groundwork for progression to the next. When, however, one of these identity crises is not worked through satisfactorily, the residues of maladjustment and emotional disturbance must have an adverse effect which becomes progressively more serious at each successive stage. Such psychological damage cannot be repaired by "normal" methods of discipline, but only by helping the delinquent to belatedly resolve the crises of those earlier stages and thus provide some foundation for further development. At the same time, I consider that an effective institutional treatment programme must provide the delinquent with the security of some understood limits, and he must be helped by staff and his peers towards the realisation that in exceeding accepted group limits his actions have been negative rather than positive, both for the group and for himself. Similarly, it is possible to handle authority in a positive fashion whereby delinquent behaviour can be criticised without the person feeling rejected. In some cases even punishment can be administered in such a way that the inmate still feels accepted and motivated to greater efforts in the future, but this can also be a bar to effective therapy if methods are dictated by the offence rather than as part

of an overall plan for the offender.

In dealing with all three aspects of punishment, I have stressed the necessity for the creation of the right atmosphere, the key factor in which is acceptance and respect for inmates by the staff. This acceptance and respect can and does become mutual as the inmate gains in insight and personal growth, but staff are continually being tested during the growth process. An added difficulty is that most delinquents have a very narrow range of cultural and recreational interests, and the two most prominent common factors for conversation topics are their past offences and their prejudices against "cops" and other authority figures. To quote Erikson, "In their search for a new sense of continuity and sameness, adolescents have to re-fight many of the battles of earlier years, even though to do so they must artificially appoint perfectly well-meaning people to play the roles of adversaries; they are ever ready to install lasting idols and ideals as guardians of a final identity". The author is here referring to the process of normal development. In the case of most delinquents, unresolved earlier crises have at the same time accentuated the need for peer group identity and esteem, highlighted all authority figures as adversaries, and restricted idols to successful models within the delinquent sub-culture. These factors combine to offer continual reinforcement to the "we/they" attitude towards the staff, and they certainly do militate against effective therapy in many of our institutions. The answer to this problem appears to me to lie in small numbers and extensive informal communication and shared activities between inmates and staff, with all of the latter group possessing sufficient knowledge to understand the underlying factors in group relationships and sufficient skill to turn them into constructive channels.

The second half of the topic, isolation from a community, can

and does limit the effectiveness of institutional treatment to a greater or lesser degree, depending on the extent of isolation and the methods of reintroduction to the community on discharge. Total isolation makes possible a greater degree of environmental control, but can also lead to a state commonly known as over-institutionalisation, in which the individual achieves success and security according to institutional norms alone, in negative rather than positive correlation with the major goal of coping with normal community living. All institutional living involves some degree of artificiality in the environment, but the degree need not be sufficient to nullify the prospects of effective therapy, because it can be counterbalanced by opportunities available to institutional social workers which are not always available in the same way to their colleagues in the field - opportunities for contact and communication, for involvement in activities and for stimulating individuals and groups towards positive thinking and action.

Generally speaking, the smaller an institution the greater are the opportunities for its inmates to share in the relationships and activities of the surrounding community. In New Zealand the Justice Department is at present extending its system of Periodic Detention Centres, the inmates of which are in residence during weekends and live and work normally during the week. The system of strict discipline and further restrictions of freedom for any infringements of the rules would not be appropriate for our field of effective therapy with delinquents, but it is possible that the idea of part-time residence in a small group could be utilised to advantage for selected cases. Where full-time residence is necessary, individuals and organisations in the community are willing to accept delinquents in their midst. However if such integration is to work successfully, it is important that the inmates of the institution be helped towards an understanding that the same amount of acceptance and tolerance as they receive from

the staff cannot be expected from all members of community groups, and that it is therefore in their own interests to restrict their community activities at the outset, and then to progressively extend them as they become able to handle more freedom and responsibility. Such a programme can be the subject of fruitful discussion among inmates and staff, on both group and individual levels, and an inmate's reviews of his own performance and feelings in such activities can promote further insight and growth.

It is also possible to create a half-way house to bridge the gap between institution and community. The Justice Department has established several Pre-release hostels for this purpose, and the Child Welfare Division uses places in its Family Homes in a similar manner. Another method is by the creation of a separate unit within or adjacent to an institution, in which inmates nearing discharge can be given greater freedom and closer contact with the community.

I shall now outline the five major factors which I consider to be necessary for the provision of effective therapy for delinquents in an institutional setting, because without them it is impossible to create fully the sort of atmosphere which has already been discussed.

1. Size: For economic reasons, large institutions are often favoured by planners, so that extensive facilities and equipment can be justified by full utilisation. I believe, however, that as an institution grows there is likely to be a qualitative change in the pattern of social relationships, social forces and lines of communication amongst both staff and inmates, separately and collectively. I consider that 50-60 is the maximum number for really effective therapy and that still smaller groups are desirable for certain types of cases.

2. Selection: An institution with no say as to who is admitted is undoubtedly limited in terms of effective therapy. Certain

types of delinquents are clearly unsuited to institutional treatment, and are so placed because they are regarded as a menace to society and no alternative solution to their problems can be found. Such inmates can, however, have an intensely disruptive effect in a group, and sometimes require a degree of regimentation which must inevitably hamper positive methods of treatment. Institutions may have to be provided for them, but they should not be the same institutions that cater for those delinquents who can respond to more positive methods. I must emphasise here that by "respond" I do not mean "conform". Effective therapy with delinquents will normally be quite a stormy process, and conformity can often represent the opposite of progress. The important point is that the delinquent must have reasonable intelligence, the capacity for insight and personal growth, and the capacity to form individual and group relationships, and that no one institution should attempt to cater for too great a range of personality types and problems - every individual must be treated as an individual, but there are certain common factors which suggest the need for several institutions catering for different types of cases.

3. Time: The recent tendency in this and several other countries has been towards a progressive reduction in the amount of time spent by delinquents in institutions. Such a policy serves a two-fold purpose of saving money and keeping to a minimum the period of isolation from the community, and is also used as a stimulant to motivation - "The quicker you progress, the sooner you will earn your freedom". Unfortunately, however, this policy generates its own pressure towards measuring progress in terms of conformity to institutional rules. It so easily becomes a weapon in the hands of an insecure or threatened staff member, which can close the emotional safety valve of acting out problems, either behaviourally or verbally, for the disturbed inmate who really needs some such cathartic experience before

he can make real progress. Similarly, inmates tend to compare their behaviour and length of time in the institution with the behaviour and length of time of others as they are discharged, and the only yardstick which the delinquent sees as just is that of conformist behaviour. So develops the slogan of "Play it cool, man", which implies putting on a conformist front, agreeing with and deferring to the staff, and thus getting out in the shortest possible time. Even though most delinquents cannot fully repress their true feelings in this manner, such pressure is in itself harmful to effective therapy. The answer seems to me to lie in building up an atmosphere in which time loses its importance as a measuring rod in the group, but becomes individualised in terms of each inmate working out with his therapist an effective personal programme, with time being measured in terms of his readiness for successful community living.

4. Staff: In last year's paper I highlighted the difficulties caused by insufficient and untrained staff. Really effective therapy demands a high staff:inmate ratio - the actual figure would be dependent on the number of inmates to be catered for, but there would need to be sufficient to cover the programme outlined as the fifth and final factor. It is also essential that every staff member should have a basic understanding of the institution's policy, philosophy and goals, and that there is a high effective level of staff communication and coordination.

5. Programme: While details would vary between institutions, I believe that certain common ingredients are basic if effective therapy is to be achieved.

   (a) Individual therapy should be available, on a daily basis when required, with a therapist who undertakes this work with not more than about a dozen inmates. The strength of the relationship between inmate and therapist is the corner-

stone of the whole treatment programme.

(b) Therapeutic groups of not more than 8 inmates should be able to meet on an average of twice weekly. Group work can be a very effective treatment method with delinquents, particularly those of high intelligence. Personality growth with the development of insight is often a painful process which can be helped considerably through peer group support and the realisation that the thoughts and actions which have been so hard to face up to have in fact been experienced by others - an assurance of this nature from the therapist is never quite as effective.

(c) Activity groups of sufficient range and variety to provide for every inmate the opportunity for some sort of success experience, something which has often been markedly lacking in their lives except through antisocial behaviour where status within their friendship group is achieved at the price of loss of status in other social groups, particularly the family. These activity groups should cover educational, vocational and recreational spheres, and again should be small enough to allow for informality and two-way involvement with the staff member concerned. Some groups might require fixed membership while others could be open on an ad hoc basis, and there should be room to set up short-term groups to cater for a rise of interest in a particular activity. Inmates should not have all their time organised, because learning to live with oneself without fear or boredom is an important part of preparation for return to the community, and there should be a conscious tapering off of group activities prior to discharge. Some of these activity groups should, however, be based in the community, so providing an element of continuity.

(d) Supervision should be unobtrusively carried out through

communication and stimulation rather than through formalised oversight or "boundary riding". The traditional kind of supervision is frequently interpreted by delinquents as a challenge, and feeds the cycle of aggression and counter-aggression which was highlighted in our original description of delinquency. This new concept of supervision, on the other hand, ties in very closely with activity groups and can be combined with hobby interests of all staff members, which in turn contributes to effective interaction between staff and inmates. For example, the cook may gain additional job satisfaction from running a photography club, and his closer relationships with a group of inmates may lessen the tension which invariably surrounds the subject of institutional food from time to time. While the photography club is operating, the inmates involved will require no further supervision, and indeed the aim should be to remove the need for any staff at all for whom supervision is the major function.

In practice, the great majority of institutions in existence today are compromises, with positive aims and policies limited by size, lack of staff, lack of selection of inmates, and lack of facilities. The compromises between theory and practice which have to be made do limit the effectiveness of their treatment programmes, even though positive results are achieved in some cases. However, it should be borne in mind that even if unlimited resources became available and numerous smaller institutions could be established, they would still be able to provide effective therapy for only a carefully selected portion of the delinquent group. Another point is that not all delinquents are emotionally disturbed and in need of psychological help or therapy beyond that required by the average adolescent. Furthermore, the best institutional treatment may still be unwarranted in cases where there is a reasonable chance of progress or satisfactory adjustment in some community setting.

It seems to me, therefore, that we would aim at extending our present range of services by setting up a few specialised institutions for selected delinquents who could be admitted either on transfer from others or direct from the community. The value of institutions of this type has been proved through examples such as Highfields in USA or Red Hill School in England, and the high percentage of success would offset the comparatively high costs if one takes into consideration the economic difference between the two extremes of the range of prognosis for each inmate, viz. an earning, producing, taxpaying member of the community as against a resident of a penal institution who is a heavy burden on the taxpayers.

BIBLIOGRAPHY:

Atwool, B.C. (1966), "Working with the Delinquent Adolescent", The New Zealand Social Worker, Vol. 3, No. 1, February, 1967.

Erikson, Erik H., (1950), Childhood and Society (2nd edition), Pelican Reprint, 1967.

Glueck, Sheldon & Glueck, Eleanor T. (1934), A Thousand Juvenile Delinquents, Kraus Reprint Corporation, New York, 1965.

Miller, Derek H., (1964), Growth to Freedom, Tavistock Publications, London.

Richardson, Helen J., (1969), Adolescent Girls in Approved Schools, Routledge & Kegan Paul, London.

Shaw, Otto L., (1969), Prisons of the Mind, George Allen & Unwin, London.

PAPER 3

DELINQUENCY - SOME SOCIOLOGICAL PERSPECTIVES

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To obtain a brief introductory theme, I would like to single out the word 'opportunity' - not opportunity to commit a felony but opportunity for all our young people to participate more widely and with more positive effect in this society - to enrich it, and themselves, by their contribution.

This is not happening. New Zealand society is denying this right to thousands of youngsters and the main burden of this denial - or neglect - is falling disproportionately upon Maoris and the children of Pacific Island migrants. A lot of us feel this to be a true statement and would place it before any other consideration in a discussion of delinquency - or even crime generally - as it is defined by our laws. Can we substantiate this? Can we locate and define some of the more important interrelationships? Can we make a sufficiently convincing case with which to spur our political leaders and administrators into greater action?

Delinquency, the end product ought not to distract us from the important task of attempting to understand the social and cultural environment which generates it. The following perspectives may be called sociological and anthropological - although I prefer to call them simply 'human'. They are necessarily brief and together do not constitute more than a partial and sketchy approach to the subject. Together or separately they may provide useful talking points for this occasion.

I. Foremost among the social processes that generates deviant, including delinquent, behaviour is the familiar fact of growing up - of becoming socialized.

Youngsters are not only very active; they are, if healthy, also wilfil and rebellious in the face of all the controls - some necessary, some unnecessary and arbitrary - which emanate from parents, teachers, law-enforcement officers, and adults generally. Their status is generally low and, from their point of view, also fixed, in relation to this adult power. Their freedom of choice and action is proscribed and threatened at many turns.

In a peer group something of this chronic subordination and its effects are neutralized and even reversed. A youngster learns much about the subtleties of reciprocal role-playing - and even the power game. He discovers his real strengths - those he will need for the rest of his life, and, he will begin to come to terms with his real limitations, too.

The solidarity and ethos of one's peer group - that is, its general effectiveness and attractiveness, as a milieu, depends upon its activities (c.f. Phillips 1965, 35-36). A group which is not doing something does not long have salience for its members. An active group may provide exhilarating experience, allow for social experimentation and the learning of new skills. Activity tends to structure a group, giving a role and associated status to each of its members. Activity allows one to accumulate prestige - for one's own exploits or simply by virtue of the success of the group enterprise, or the bravado of it.

There is much more that could be said about this fundamental and necessary divergence of social milieux - the young taking the initiative pending their recruitment to adult roles, the older or authority figures keeping a watchful eye on these group activities - sometimes promoting these, or preserving an interest, sometimes merely tolerating - or not tolerating, often policing and curtailing.

On the one hand we must welcome this process of separation and independence. It is generally healthy. It may lead to degrees of

"alienation" from our recognised authority and authority figures, but peer group membership and activities do, it seems, provide considerable compensations to the members. These young people may thus avoid the effects of a more pernicious form of alienation - the feeling of powerlessness or inability to affect one's environment. (c.f. Gold 1969: 122-123, 128-131.) It is better that our law enforcement officers and children's courts be overworked than that our mental institutions be so.

Nevertheless, we, as adults, could also ask ourselves some questions:

(1) To what extent are authoritarian relationships between parents and children, teachers and children, etc., forcing peer group alternatives to a degree which contributes to a fundamental breakdown in communication and mutual loss between old and young?

(2) To take a very different approach, how rich in tasks and challenge are our urban environments - remembering the importance of activity for group health and members' self concepts?

(3) To combine these queries, what arrangements are possible and desirable to bring together the mature adult and the fast maturing young in a variety of stimulating role relationships?

(4) What are the social class and ethnic characteristics in existing patterns of super-ordination and subordination, and in peer group activities?

II. The second major perspective is that of class. However a youngster may react to his parents, family, and neighbourhood, we cannot ignore the importance of this environment in shaping his main life-chances. Opportunity for both legitimate and less

legitimate kinds of behaviour falls unevenly across the spectrum of social class (signified by occupation, income, educational attainment, and place and style of residence).

In terms of severity there is a major and a minor theme. The major theme is absolute poverty or hardship. I do not think we have been facing up the fact of this in New Zealand. What is the meaning of the second largest category in the Children's Court tables? (Statistics of Justice 1967: 52). The largest is 'burglary, theft and fraud' that is not surprising - it may even be a sign of health. The demands of the young outstrip their relatively meagre purchasing power and, at least, an enterprising few do something about it. What is disturbing is the second largest category 'the indigent (i.e. poor and needy) or delinquent child'. Just how indigent, and how delinquent are these youngsters we are not told. But we note that they are the youngest "offenders" by far and that nearly one half of the national total are classified as Maori.

Turning to another set of figures, we find our major or severe theme more starkly presented. This table is adapted from 'Magistrate Court arrest cases, Arrest cases - occupational groups by offence groups'. (Statistics of Justice 1967: 39.) There are two tendencies towards distortion of a peculiarly class pattern in this table - although these in turn would seem to cancel each other out - partially at least. One is the ethnic factor prominent in both offence categories but not evenly distributed over the occupational categories. The other is the presence of sizeable minorities of salaried and self-employed in categories otherwise weighted towa[illegible]wage-earners on more modest incomes. Only the figures for m[illegible]s are given here. (See Table 1.)

[illegible] the [illegible]y rise in rates of offence for an approximate one-sixth of th[illegible] share (for both types of offence) for

TABLE 1

MAGISTRATE COURT ARREST CASES (Male only - 1967)
OCCUPATIONAL GROUPS BY (TWO ONLY) OFFENCE GROUPS

Occupational Category	(%)	Against Person	(%)	Against Property	(%)	Av. Incomes (Peak clusters only)	Possessing No Qualif.(%)
1. Professional/Technical	7.8%	45	1.2%	185	1.3%	$3000-3999	20.3%
2. Management, Administration, & Clerical	15.0%	130	3.5%	521	3.6%	$3000-3999 ($2200-2599) clerical	65.5% (50.4%) clerical
3. Sales workers	6.9%	125	3.3%	558	3.9%	$1800-2199	73.3%
4. Farm, Forest	16.2%	417	11.1%	1699	12.0%	$1800-2199	79.3%
5. Mine, Quarry	0.6%	12	0.3%	77	0.5%	$2200	89.4%
6. Transport & Communications	7.2%	449	12.0%	1051	7.4%	$1800-2199	83.6%
7. Crafts, Production & Process & Labourers	41.2%	1931	51.5%	6070	43.0%	$1800-2199	82.3%
8. Service, entertainment, Sport & Recreation	3.3%	176	4.7%	651	4.5%	$1800	80.3%
9. 'Not Stated'	0.4%	434	11.6%	3270	23.1%	($1400-1799)	93.1%
10. Armed Forces	1.4%	33	0.9%	78	0.6%	$2200	70.3%

'Professional & technical' to somewhat more than their share (for both types of offence) for 'craftsmen, production and process workers and labourers' and also 'Service, entertainment, sport and recreation workers'. Note the relationship with income (only the peak clusters included) and qualifications (only percentage nil qualifications included). Some curious side patterns emerge - note the relatively high property crime amongst salesworkers for example and relatively high rate of crimes against the person by transport and communication workers. We cannot stop to ponder these. The general pattern that emerges is still a minor one compared with that revealed by category No. 9. This refers to 'Not Classifiable by Occupation' (see N.Z. Census 1966 'Incomes' p.26) and includes:

a) 'New workers seeking employment.'
b) 'Workers reporting occupations unidentifiable or inadequately described.'
c) 'Workers not reporting any occupation.'

People in this category commit twenty-eight times their share of offences against the person and fifty times their share of offences against property, (or approximately 300 times the rate of similar offences by professional and technical people). Note that at 93.1% these men have the highest 'no qualifications' rate. Nearly three-quarters of them have incomes of less than $1800 (in 1967). 41.6% have no earned income. These, in short, would seem to be the most alienated males in our society - in both senses of the term 'alienated' as we have used it. There are several hundreds of them represented in this one table. This may seem a very small proportion, but it serves to remind us of certain inexorable ties which have bound and continue to bind shame and poverty to want, and want to crime and shame in our society. The 18th Century British experience is remote but not totally alien to us.

Or, we could look at the 18,000 cases represented by the whole table (about 60% of those on the original table). Remember that each is an offence by a husband or a father or a father-to-be. Each is an occasion for anger, vindictiveness or shame, and hardship, loss of personal and family esteem - and the effects are felt in several directions through spouses, parents, children and friends of the accused.

The lessons we could learn from these figures are few and relatively simple. First, in terms of environmental compulsions, we recall Robert Merton's famous treatment of this problem:

> 'Our primary aim is to discover how some social structures exert a definite pressure upon certain persons in the society to engage in non-conformist (including delinquent) rather than conformist conduct.' 'If we can locate groups peculiarly subject to such pressures, we should expect to find fairly high rates of deviant behaviour in these groups, not because the human beings comprising them are compounded of distinctive biological tendencies, but because <u>they are responding "normally"</u> to the social situations in which they find themselves.'
>
> (Merton 1949: 126 - Italics mine.)

Merton's central hypothesis is that <u>aberrant behaviour</u> (for which he worked out a typology) '<u>may be regarded sociologically as a symptom of dissociation between culturally prescribed aspirations and socially structured avenues for realizing these aspirations</u>'.

(1949: 128 - Italics mine.)

New Zealand society, like that of the United States, exhibits symptoms of such dissociation. We cannot afford to allow this tendency to increase, as it has done in the United States. Whatever

progress we have made toward a classless - or at least an equitable - society, must be maintained at all costs. We must continue to redistribute wealth, and to keep occupational mobility open, and employment as full as we know how.

This general course of action is the more imperative because of the ethnic exaggeration to the class pattern. Compare and contrast the relevant Maori and national figures or patterns for the following:

1. Distribution of occupations. (See Rose 1967; Forster and Ramsay in Forster (ed.) 1969.)

2. Unemployment figures (4% Maori, 0.8% National figure, Rose 1968 unpublished seminar paper).

3. Average incomes (see Forster and Ramsay in Forster (ed.) 1969).

4. Age structures and birthrates " " " "

5. Examination pass rates " " " "

6. Delinquency rates. (Approximately three to one; see Statistics of Justice.)

There is a consistency here amounting almost to "fatalism". How do the people most directly involved see it? How does society at large read the symptoms? We have here most of the ingredients of a classic conflict situation sociologically speaking. "So foul a sky clears not without a storm". (King John)

These are among the background features to our problem of delinquency. They imply lack of legitimate opportunity for parents and for children of the families involved. They imply lack of sufficient domestic security upon which stable self-concepts are said to be founded.

III. The third perspective might be called cultural - and follows logically from any discussion of differential opportunity whether this is class or ethnically weighted. This must be very brief....

Our most exacting task as developing social beings is to gain mastery over the symbols and symbol systems which make up our cultural environments. These environments are manifold (Shibutani 1961: 127-136); a series of overlapping and interlacing symbolic systems or communicational worlds which we label as 'the job', 'the family', 'the boys', 'the club', and so on. We must learn not one but many symbolic systems - some of them similar, some quite distinct; some relatively simple in symbolic content but most surprisingly complex. We learn these mostly by growing into them, by being exposed to the real situations as we also extend our role experience and responsibilities. The more we learn, the greater our mastery of the symbolism, the wider our choice of situation and experience as adults, the greater our self-esteem, usually, and our status.

To be familiar with, and effective in, a new role environment, to be confident in it, we need to amass an <u>apparently superfluous</u> amount of knowledge, role-knowledge and skill. This is the redundancy principle of communication theory (see Frankenberg 1966: 280-283). We do not and indeed cannot effectively communicate along a single channel. We utilize several channels simultaneously so that when, as so often, there is some disturbance, the message is not distorted or lost. The burden of meaning merely shifts to one or other of the levels. To interpret on one level only exposes one to distortion of the message, a misrendering of meaning and a compounding of error in response. To be aware of one's lack of knowledge of the symbolic system in current use in a situation is to invite panic and retreat. Several important points can be enumerated.

First, the principle of redundancy in communication operates in a variety of social situations to warn and experience the role players as to the "safe limits" of deviance. Complex social systems impose not only a wide range of demands, but also often quite conflicting demands upon their members (Wheeler 1967: 624). They tend to compensate for this partly by leaving ill-defined - but not undefined - the exact limits of reprehensible behaviour in many situations. We, out of our familiarity with sets of complementary role playing, are able to gauge pretty accurately these safe limits, according to context as much as to rule. Not so - or not so easily and accurately - a young person insufficiently acquainted with the symbolism of these situations. He will "gaff" and may be acutely aware of doing so. Understanding "others" may show him his mistake. He may try again, or, he may avoid similar situations. Out of such situations he will be lucky if he is not branded, at least on one occasion before he reaches maturity, a deviant or a delinquent. This may be for no other reason than ignorance of the limits of role playing which a still (to him) alien culture has labelled as deviant or delinquent.

The development of our self concepts, that most sensitive ingredient in all social relationships, is closely dependent upon growth in this knowledge of and skill in manipulating the complex symbolism of our varied social and cultural environment. We learnt this first in the context of family and then in our peer group where our mastery of the symbolism was probably the greatest we ever achieved.

It has been truly said that 'a good deal of each persons inner drama is discovery of the identity given him by others and his reactions to it and to the people who define him so'. (Hughes & Hughes 1952: 102). The irony here is that a part, at least, of this identity and thus the awareness, is ascribed on the basis of age, class, and ethnic stereotypes and the information passes along

channels to which the discriminated become highly sensitized. Where and when the person does set about altering his own identity - by enlarging his role skills and symbolic knowledge, he often starts with this considerable handicap. Often, of course, he declines the challenge; there are more receptive social milieux to which he may gravitate.

More specifically, we find that Maori and Pacific Island children first or second generation from rural communities have a "functional" knowledge of the language and some other symbolism of the dominant cultures in which they are expected to make their way. For their life in their peer groups this knowledge is supplemented by a fairly rich vocabulary of sign and gesture as well as a patois. These are the chief tools of social trade for these young people. They are the tools of a sub-culture which may be relatively localized or may be nationwide. Many youngsters try - we may never know how valiantly and against what odds - to enlarge their role and symbolic knowledge to those areas which, they themselves recognize, are necessary for "success" as the culture at large defines it and as they themselves probably also define it. Their home environment does not help them greatly - unless their parents are unusually perceptive and more than usually fortunate economically and vocationally. Their school environment is crippled by lack of resources, lack of understanding, lack of time and finally of patience. It is a fortunate child who does extend his knowledge into a satisfying and legitimate field of endeavour (apart from sport) during those years and thus equips himself to have confidence and some bargaining power in an adult and largely Pakeha-dominated world. The big question remains, what are our educators and our vocational guidance and placement officers going to do about this problem? It is an immense one. Its bearing upon the problem of delinquent behaviour is almost certainly profound because its relevance to "legitimate" opportunity - to participate in a

positive way in the wider society - is (as I have attempted to show) both immediate and profound.

WORKS CITED:

Frankenberg, Ronald, 1966, Communities in Britain: Social Life in Town and Country.
Gold, Martin, 1969, 'Juvenile delinquency as a symptom of alienation', Journal of Social Issues, XXV, No. 2.
Hughes, E.C. & H.M. Hughes, 1952, Where Peoples Meet: Racial and Ethnic Frontiers, Glencoe.
Merton, Robert K., 1949, Social Theory & Social Structure, Glencoe.
Phillips, Margaret, 1965, Small Social Groups in England, London.
Shibutani, Tomatsu, 1961, Society & Personality: an Interactionist Approach to Social Psychology, Englewood-Cliffs, N.J.
Wheeler, Stanton, 1967, 'Deviant Behaviour, in N.J. Smelser (ed.), Sociology: an introduction, New York.

GENERAL REFERENCES:

Cohen, Albert K., 1966, Deviance and Control, Englewood Cliffs, N.J.
Forster, John, (ed.), 1969, Social Process in New Zealand, Auckland.
Rose, W.D. & G.V. Butterworth, 1967, The Maori in the N.Z. Economy, Wellington.

PAPER 4

AN OVERVIEW OF DELINQUENCY AND ITS PREVENTION

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The overall situation with respect to delinquency and its prevention can best be approached through the annual statistics of the Justice Department in New Zealand, and the Home Office publications in Britain. Despite the dangers involved in using statistics of this kind, they do give the only alternative to individual estimates of the extent and nature of the problem. I shall draw on New Zealand figures where possible, and on British figures when useful or necessary.

The Justice Department Statistics for 1968 summarises the position in Children's Courts by saying that total charges increased by 11.9% over the previous year, and the bulk of these were cases of stealing in some form. Throughout the years of childhood, stealing is the most common offence for which children appear in court. In Britain this kind of offence reaches its peak at 14, the last year of compulsory schooling, and the effect is very marked. In New Zealand there is a peak age of offending at 16, but this is not due to more stealing offences, which remain fairly constant from 14 onwards, but to an increase in most other offences, notably assault, conversion of vehicles, offensive conduct and language, and traffic offences.

Even this brief look at the picture presented by the official statistics suggests several points which open up lines of inquiry. However, detailed consideration of these features is not possible here, but is an interesting exercise in applying various theories of delinquent behaviour (McKissack, 1967).

The present situation with respect to delinquency, and crime prevention can be briefly summed up by saying that we appear to be making little or no progress. This must be qualified by remembering that we have no way of knowing what the situation would have been if we had not introduced the various reform measures of the past few decades.

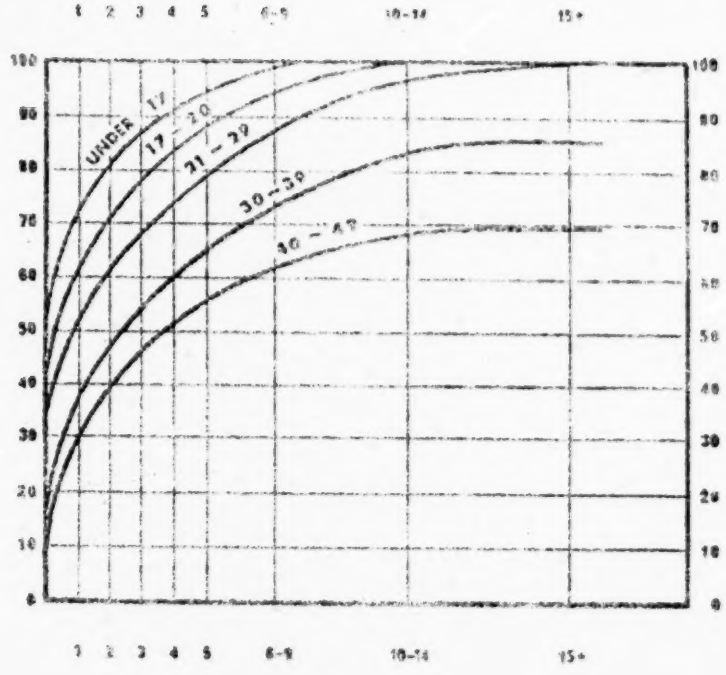
Some facts and figures will make this statement clearer. The British Home Office brought out publications in 1964 and 1969 called The Sentence of the Court. In these there are graphs which show the probability of an individual being convicted again in terms of the number of previous convictions, and age. We would probably make the following predictions: criminal behaviour is both active and socially immature, and, therefore, likely to decline with age and this does occur. But as regards number of previous convictions the prediction is less clear. The higher the number of convictions, the more committed the individual is to criminal behaviour. But if the various penal procedures are effective as deterrents, or therapeutic measures, then the probability of later offending should decline. The graph shows clearly that the probability of further conviction is directly related to the number of previous convictions; in other words, we seem to be having little success in deterrence by penal measures. Of course, deterrent measures also operate in preventing individuals from ever indulging in criminal behaviour and this aspect is almost impossible to judge.

The use of the graph as a baseline indicated that comparing fining with imprisonment, the chance of later offending was greater than for those imprisoned than for those fined. While there are great difficulties in knowing how much weight to place on this finding, it does not support the idea that the more severe measures are the greatest deterrents.

Some further evidence is seen in the statistics relating to

RECONVICTION ACCORDING TO OFFENDER'S AGE AND PREVIOUS CONVICTIONS

(Percentage reconvicted within 3 years)



NUMBER OF PREVIOUS OFFENCES

The Sentence of the Court 1969. H.M.S.O.

Approved Schools in Britain. It is probable that the Approved School system has been the focus of attempts to move the emphasis from punishment to therapy, over the past thirty years. It should be found, therefore, that these gradual changes, although far from fully implemented, would have shown some positive effects. The following table shows the actual changes; in terms of success rates:

SUCCESS RATES OF BOYS APPROVED SCHOOLS (%)

Year of release	Senior	Intermediate	Junior
1948	68	70	59
1959	46	46	38

A success is a boy who is not found guilty of any offence within three years after discharge. (Girls in approved schools showed higher success rates than boys, in 1948, and continue to show such a rate.) So once again it seems that even attempts at liberalising approved schools do not improve their effectiveness. They may reduce the effectiveness, or it may be that other changes in society are working in an opposite direction.

This general point underlies the major problem of gauging the effectiveness of present penal policy through changing rates of success. It may be that the situation would have been worse if changes had not been introduced. That is to say, there may have been other changes in society which would lead to a higher incidence of delinquent and criminal behaviour. Of all the possible changes for and against an increase in criminal behaviour which have been advanced, the most credible one to this author is the rise in opportunities. A large proportion of crimes involve stealing, and clearly the rise in affluence involves an increase in the number of available sources of illegitimate gain. For

instance, Wilkins (1964) showed a very close correlation between the number of motor vehicles registered and the number of thefts from vehicles. And, of course, this sort of situation exists in the area of traffic offences, where there has been a large increase. Essentially, stealing and traffic offences are rational behaviour. The individual is, in the majority of cases, attempting to obtain some socially approved goal by illegitimate means. The situation is not too different from the economic field where the behaviour of individuals has varying effects on the economic health of the nation, and is regulated by an annual set of monetary policies in the budget. Perhaps we should emphasize this pragmatic approach more than we do at present. For some years we seem to have become mixed up between a humanitarian approach and a psychological approach. It is not necessary to adopt a psychological approach to individual offenders in order to be humanitarian. The essence of the humanitarian approach is that we evaluate our methods not only in terms of effectiveness, but also in terms of their possible harmful effects on the offender. This approach would reduce use of any form of imprisonment (in the broadest sense) to a minimum because it is a fundamental interference with the liberty of the individual, not to mention the many sources of evidence and opinion testifying to the fact that imprisonment increases probability of later offending. Humanitarians also, of course, oppose corporal and capital punishment.

Psychological approaches on the other hand stress the individual approach to each offender, and suggest that society should look for causes, and attempt to treat them, rather than relying on punishment and other methods of prevention. Two major difficulties seem to arise from this approach. One is that psychology has moved on to more sophisticated ideas since the early concept of abnormal personalities being responsible for deviant behaviour. Behaviour is increasingly seen as a complex outcome of personality determinants

and situational factors. So we can never hope to deal with deviant behaviour simply by attempting to alter individuals. Equal attention must be paid to the situational factors. The other difficulty of the psychological approach is the sheer economic difficulties of applying sufficient attention to each case. Psychologists may well have hindered progress to some extent by encouraging the idea that institutionalization can be changed from a punitive to a therapeutic procedure for large numbers of individuals.

If humanitarian proposals are not essentially directed at solving the problem of delinquency, but rather at restricting the more extreme means suggested, and if psychology tends to emphasise only one part of the problem, it does seem worthwhile considering more seriously than we usually do, the situational aspect. We have already considered the possibility that there is a very direct link between opportunity and amount of crime. Put another way, stealing behaviour is rational behaviour, however inconvenient we may find it. The most effective way of dealing with it would seem to be making it less rational. This is a point in the problem where the police are the experts, and given proper resources can probably be much more effective in their prevention campaigns. To make this kind of policy effective, a centre for research and detailed statistical analysis is essential. Only in this way can there be intelligent and up-to-date knowledge of the changing patterns in delinquent behaviour, and the characteristics of those who offend.

The proposal for strengthening the police may offend those with idealistic and Utopian views of society. But in the present situation this seems the most fruitful way of using available funds for delinquency prevention. The problem of maladjusted individuals is a separate one and should be treated as such. Before dealing with this aspect, let me be clear about the suggestions above.

The basic argument is that the only really effective method of crime control is making certain that the risk of detection and conviction is very high, and that the opportunities for criminal acts are reduced as far as possible. We would be very surprised if the Minister of Finance suggested individual therapy for people who spend too much and save too little (though it would be an aspect of their individual personalities) and it is worth considering why we see crime prevention as a different kind of problem. It is easy to see traffic offences in this way, possibly because we are all traffic offenders.

However, it remains true that the delinquent population contains individuals whose offending relates to a wider pattern of maladjustment, and who will take high risks and may respond better to planned treatment than to increasingly severe penal procedures. Several studies of delinquents seem to sum up the important points in this area. Hewitt and Jenkins (1946), studied badly behaved boys attending a Child Guidance Clinic in Michigan. Their study involved a careful statistical analysis of the information available on each boy's behaviour. They found three more or less distinct clusters of symptoms which made it possible to give three characteristic descriptions. There was a group of unsocialized aggressive boys, another group of over-inhibited or neurotic boys, and a group of 'pseudo-socialized' boys. Further study of the population of a training school for delinquent boys confirmed these patterns, with the pseudo socialized pattern being most common.

The psychologist's recommendations have tended to be in suggesting that the neurotic pattern should be helped by various methods of treatment, and the pseudo-socialized boy needs to form strong attachments to adults to counteract their over-involvement with potentially delinquent peers. These seem to be reasonable propositions, even if initial attempts to incorporate such proposals

into existing institutions and borstals have not been clearly successful. The unsocialized aggressive pattern probably presents a much more difficult problem. These delinquents catch the full force of the public's anger, the natural aggression of the police, and the psychologist probably finds them the most difficult to feel sympathy with. Yet it seems likely that mishandling of this group of offenders probably produces the most serious and dangerous group of adult criminals. It is doubtful whether institutional life does more than harden this hostile outlook, and it is probable that psychologists have not yet reached sufficient understanding of aggression to be able to deal effectively with this problem. However, Grant and Grant (1959) studying naval offenders in California found that those classified as socially immature (which probably included the unsocialized aggressive type) responded better to a strict training regime than to a group therapeutic regime. The concept of social immaturity is probably the important key to devising methods of dealing with the unsocialised aggressive delinquent, and underlies various small scale attempts to deal with severely disturbed delinquents by on the one hand allowing them relative freedom in expressing their aggression, and on the other hand weaning them to a more mature and trustful approach to others. (Aichorn 1925, Miller 1964.) But it is a long process; a sort of compressed growing up. The major conclusion from these kinds of studies is that while the overall aim would be community based treatment of the majority, we do need small intensive treatment psychiatric units for the adolescents who are most grossly disturbed, in order to avoid the dangers of confining less disturbed boys with such individuals, and also to concentrate our resources where they are most needed.

This summary does not do justice to the many ancillary attempts to improve the welfare of children, the educational system, or the conflict and hypocrisies in society. Progress on all of these

fronts should gradually make inroads into the delinquency problem. But it is doubtful if any of them is the universal panacea that their supporters imply. It was once believed that the elimination of real poverty would see a marked drop in crime, but that hope was not realised. In the here and now situation it seems most realistic to concentrate on containing the problem wihin manageable bounds. To this end, vigorous prevention of opportunities for crime, a centre for continuous assessment and analysis of the changing position, and refinement of our methods of dealing with most disturbed offenders seem to offer the best returns.

REFERENCES:

Aichorn, A. (1925), Wayward Youth. (English Ed. Imago, 1951.)
Department of Statistics, N.Z. Statistics of Justice, 1968.
Grant, J.D. & Grant, M.Q. (1959), 'A group dynamics approach to the treatment of nonconformists in the Navy'. Annals of the American Academy of Political and Social Science.
Hewitt, L.E. & Jenkins, R.L. (1946), Fundamental Patterns of Maladjustment, D.H. Green.
Home Office (1964, 1969). The Sentence of the Court. H.M.S.O.
Home Office (1964). Statistics relating to approved schools, remand homes and attendance centres in England and Wales for the year 1962. H.M.S.O.
McKissack, I.J. (1967), 'The Peak Age for Property Crimes' British Journal of Criminology, April 1967, 184-194.
Miller, D. (1964), Growth to Freedom, Tavistock Publications.
Wilkins, L.T. (1964), Social Deviance, Tavistock Publications.

PAPER 5

LAWBREAKING BY THE YOUNG

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Lawbreaking by the young (we call it juvenile delinquency) is increasing and becoming more serious in its impact, not only in this country, but throughout the industrialised world. This process has continued for some considerable time. When disturbing developments affecting the whole community continue almost indefinitely, the danger arises that they lose their significance as we become less sensitive to them and they begin to be taken for granted. They become normal rather than abnormal until something like "Gallery" throws the spotlight on the picture once again. How long this light shines or its effects last depends upon the measure of concern a community can maintain for its children. Who remembers or worries too much to-day about the affairs of the Hutt Valley in 1952? Once translated into new legislation, most of us promptly forget about it. We need as a community to show a continuing concern for our children's welfare and find some way to keep before society a realisation of its responsibility for the offender in its midst. Government shows a special concern and has developed methods whereby this can be translated into action, but the major concern must lie with people - all people - not just you and me.

It may be that in New Zealand, as elsewhere, we may have to condition ourselves to accept a greater volume of crime and immorality as the price to be paid for greater permissiveness and the freedom from fear of the restraints of the past which have helped people to observe the law.

In New Zealand the major responsibility for the treatment of

offending children has been with the Child Welfare Division of the Department of Education. This is an organisation set up by the Child Welfare Act of 1925 "to make better provision with respect to the maintenance, care and control of children who are specially under the protection of the State; and to provide generally for the protection and training of indigent, neglected or delinquent children".

I propose to discuss:

(a) Children's Court procedures and functions.
(b) Facilities available through the Child Welfare Division.
(c) Future consideration.

(a) Let us take a look at the facilities available in New Zealand at the present time to cope with the question of juvenile delinquency. A working knowledge of the functions and procedures of the Children's Court is essential for everyone concerned with delinquency if only that they may appreciate the powers and limitations of such Courts and what the child experiences in facing them. Under the Child Welfare Act of 1925, Children's Courts were established in New Zealand with a special function. Their responsibility was to deal with all offences committed by children except murder and manslaughter, and they were empowered at the same time to adjudicate on matters concerning the neglect and ill-treatment of young children. The statute originally provided that a child was a person under the age of 16, but this was later amended to 17 years. The Children's Court is presided over by a Magistrate, or in some cases, by a Justice of the Peace with special jurisdiction. The Court is held away from the normal open Courts and those who attend are those directly concerned with the case. The Children's Court has three separate main functions, none of which can be bypassed. The first of these is to find the facts - in other words, to find if the child has committed an offence or if he is, or is not, in

need of special care or control. The second function is to determine what has led the child to a Court appearance. In other words, to investiage the environmental situation and the personal history of the child, of which delinquency may be the outcome. When the Court has considered all this information based on Police and Child Welfare reports, together with the assistance frequently of doctors, teachers, psychologists and psychiatrists, the third function, that of prescribing treatment, is approached.

It has often been said that the Children's Court deals too leniently with children. Such a statement denies an understanding of its three main functions and tends to overlook an important point that the nature of the offender is frequently equally as important as the nature of the offence. It is therefore not a matter of mere chance that the Child Welfare Division in its appointment as a department of State, came under the aegis of the Department of Education. Briefly one could say that its main purposes are concerned with protecting the interests and advancing the welfare of children who face life under some handicap; and the treatment of problem or offending children.

At this point the decisions made by Children's Courts in New Zealand are worthy of study. Of 8,375 children who appeared before Children's Courts in New Zealand for the year ending 31 December 1969, 3,545 children were admonished and discharged by the Magistrate. In some cases the children were fined or ordered to make restitution and in this particular category some 1,325 children were involved. During this year 3,065 children were placed under the supervision of a Child Welfare Officer and here, too, additional orders were made for restitution, fine, or special conditions were ordered to meet the needs of specific situations. 839 children were committed to the care of the Superintendent of Child Welfare. Committal is a serious

step for any child. This involves the removal of a child from the legal guardianship of his parents, this guardianship then being vested in the Superintendent of Child Welfare. During the year 150 convictions were entered against children. There is a provision in the Child Welfare Act which makes it unnecessary for the Court to convict, and it does so only where it considers such action appropriate. 513 children were placed on adult Probation. Any child over the age of 15 faces a different set of circumstances from children under the age of 15. Once the age of 15 has been reached a child can be sentenced to Borstal, and Probation is frequently applied as an alternative to such course. In this year also, 131 children were sentenced to Detention Centre or Borstal training, a number to periodic detention, some were committed to mental hospital, 2 were remanded to the Supreme Court or Magistrate's Court for trial and sentence.

You will see that the Children's Court has at its disposal all the penalties that the law is able to enforce. In other words, the Court is permitted considerable discretion.

One of the disquieting features of Children's Court appearances is the number of children who re-appear before a Children's Court. This represents somewhere in the vicinity of 40% of the year's appearances for offences or misbehaviour. This percentage has been rising gradually for many years. A similar breakdown rate can be seen in adult figures, especially in the young adult group. The majority of children appearing before the Children's Courts are in the 14, 15 and 16 year age group. It is frequently said that the numbers of children appearing before the Children's Court are increasing because of the population increase. Therefore it is important to look at the rate of Children's Court appearances for more serious offences. This shows a steady increase. The rates that have been shown in the Annual Report of the Child Welfare Superintendent to Parliament include Children's Court appearances

for more serious offences per 10,000 of mean population up to the age of 17 years. The latest figure of 100 can be compared with 68 for the year 1960/61. Not only therefore are the numbers of children appearing in Court increasing, but the rate of increase shows an upward trend. All this, in spite of the fact that in more recent years the Youth Aid Section of the Police Force has considered many cases of juveniles who offended against the law, but who were dealt with without Court appearances; nor does it include juvenile traffic offenders whose cases are now heard in the Magistrate's Court. To what extent then can we claim any degree of success in our treatment of the juvenile delinquent, who, today I would prefer to regard as the juvenile offender whose need in many cases is just as great and as serious as the adult offender who may engage in more sophisticated and more sensational crime?

(b) Facilities available to meet varying situations for juveniles vary from admonition to absolute control. The basis of the New Zealand Child Welfare Act for the care of children committed to the care of the State has been the use of foster homes - where removal from adverse family circumstances which have done so much harm to the child, have been replaced by a substitute family. Such placement reinforced as it is by good supervision and control with the assistance of the visiting Child Welfare Officer has been responsible for many children finding their way back to a more normal life. Outward appearances would indicate this, but the punishment of separation for child and parent is one which cannot be ignored and the effects of this may in some cases be evident throughout life.

In any such system institutions have been developed to meet the special needs of children. These range from reception centres for short term care pending other placement in either a foster home, employment, or a more suitable institution providing long-term

care for the more seriously disturbed child. In recent years, as a means of meeting some of these problems, the Family Home system has emerged. This Home endeavours to provide for children in care, the advantages which come from a stable environment and a close personal relationship with foster parents whose special interest lies in helping children.

A reasonable degree of success (about 60%) has been evident in the supervision of children in their own homes, a relationship (dictated by the Children's Court) between the child and his family and a Child Welfare Officer. This relatively high rate of success makes the system worth while, and more than anything else justifies this special approach. Such an order does not interfere with the guardianship rights of parents, but it does give a Child Welfare Officer authority to exercise an interest in a child and his family over a stated period. It provides an opportunity for the child and his family to respond to guidance while still living in the community. Efforts are made to involve teachers, employers and other welfare and health organisations in an endeavour to ensure that the child is helped constructively. If the response is not satisfactory, the child can be brought back to the Court.

Over the years, however, preventive work undertaken by the Child Welfare Division has gained momentum. There is a sense in which the work of the Child Welfare Division is preventive in intention for even removal of a child from home through committal by the Courts is intended to avert the possibility of a child becoming an inadequate or maladjusted adult. To Child Welfare Officers the term "Preventive Work" has a more restricted meaning. It refers to action based on a relationship established between parent and child in the interests of the child and the family, in an attempt to avoid more serious and permanent breakdown. This includes regular home visiting and supportive assistance in the

form of monetary grants, advice on budgeting, admissions to special residential schools, or referrals to other specialist and community services.

We must not overlook that each juvenile delinquent is a new and unique problem, the accurate diagnosis of which must precede prognosis and treatment. The investigation of each child reveals a constellation of related factors. Certain of these are of greater, others of lesser significance in the pattern. Each calls for treatment as far as is practicable and so far as the evaluation of the total situation warrants. This would tend to indicate that a wide range of treatment facilities is essential if one is to be able to assist young people whose delinquency seems to stem from a detrimental environment.

(c) But have we gone far enough? Can we hope to meet the needs of children damaged by upbringing, with the facilities at present at our disposal? If not, what facilities should be introduced in order to meet the personal needs of children? Is the recent trend in using institutions for purposes of remand such that a period of influence away from their own homes, coupled with counselling of both child and parents, likely to make it possible for the child to settle in his own home once he has been returned to the Court for its final decision? Time alone will answer this, but present indications are encouraging. Have we enough remand facilities to undertake specialised work in this sphere so that it is possible to separate new offenders from old offenders? Can sufficient institutions or other facilities be developed so that the non-offending child, although frequently seriously disturbed, does not mix with delinquent children who are also seriously disturbed? Can more be done to rehabilitate the problem families within our midst so that as family units, care and assistance may be provided in such a way that these families become valued units of society instead of an unhappy challenge?

It has been suggested that our Children's Courts perform one of the most responsible functions in society today. Have we reached the point yet where we can afford children's magistrates, men and women specially trained in children's work and domestic proceedings? Have we placed enough weight upon the Family Court where functions could range from children who offend or who are neglected through to divorce, custody and maintenance, thus focussing attention and placing greater emphasis upon personal matters so frequently (for present purposes) reduced to a legal formula?

Can we afford (financially) to meet the personal needs of people in this way?

Is it likely that the development of counsellors in our schools, both primary and secondary, can achieve more in this field, given time and training, so that they are able to detect and treat children's disturbances so many of which may find ultimate release in delinquency? These are some of the many questions we must look at and there are more - delinquency due to psychoses, delinquencies due to organic diseases, anxiety states, and illnesses of various kinds.

Whatever we do we must first recognise that the child lives within a family. His attitudes are conditioned by his environment and his physical and temperamental make-up. Society's attitude to him, its acceptance, its rejection, its sympathy or its understanding, can have favourable or damaging results. Just how far is society prepared to go to understand, accept, or reject or help or hinder the offender?

PAPER 6

A CRITICAL LOOK AT THE RATIONALE AND EFFICACY OF THE LEGISLATIVE AND PUNITIVE APPROACH TO DELINQUENCY.

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A critical look at the rationale and efficacy of the legislative and punitive approach to delinquency! Where does one start? The only statutory use of the word "delinquent" I have been able to find occurs in Section 13 of the Child Welfare Act 1925, where a Constable or Child Welfare Officer is given the right to lay a complaint to a Justice of the Peace "that a child is a neglected, indigent, or delinquent child .....". Part 1A of that Section goes on to say: "Without limiting the generality of the provisions of subsection one of this section, it is hereby declared that every child shall be deemed to be a delinquent child within the meaning of that subsection who -

(a) Being a male, carnally knows or attempts to carnally know any female child under the age of sixteen years:

(b) Being a female, incites a male to carnally know her or to commit any indecent act upon her or with her, and permits or suffers him to do so:

(c) Commits any indecent act upon or with any other child."

I must admit that I have often paused in my reading of this section to cogitate on just what a female would have to do to bring her conduct within the scope of that word "incite". You will note here, the inequality of the sexes in this definition! This "inequality", for want of a better word, extends through much of the Criminal Law, insofar as it relates to children and adolescents. The Statute Law of New Zealand adopts many standards of just what a child is. The standard varies according to whether the child is an offender or a victim, whether it is male or female and, also I

consider, on the degree of protection which the legislative authority of the time considered was needed. So a student of law would soon discover these facts:

Under 21: A minor cannot bet on a totalisator.(Incidentally everyone under 21 is legally an infant or minor.)

Under 20: A minor cannot be found in a hotel bar, etc.

Under 18: Males cannot be called for National Military Service.

Under 17: Must be dealt with in the Children's Court for all offences, except murder and manslaughter, or motoring offences for which the penalty does not involve imprisonment.

Under 16: (a) Females totally protected from sexual participation.

(b) Neither males nor females may be sold contraceptives or instructed in their use.

(c) Parent under a legal obligation to supply necessities of life for the child.

Under 15: Males only cannot be supplied with tobacco, or smoke it in the streets.

Under 14: A boy cannot beg in the streets, or offer anything for sale there - for a girl, the age is 16.

Under 12: (a) A child need not give evidence on oath but can still give evidence. The youngest recorded witness was only 5. In practice, the evidence of such a very young person would be of little practical value.

(b) Cannot drive a tractor or ride on one drawing equipment.

Under 10: Cannot sing, play, or perform for profit in a circus, place of public entertainment, or in the street.

These examples I have given are indicative only, for to give a complete summary of all the age and sex variations relating to offences by and against children, would take some hours and would only confuse you and me.

For the purposes of this paper, I consider that the four

important ages are:

21 - The age of legal majority which is, I understand, to be reduced to 20 by legislation to be introduced in the next session of Parliament.

17 - The upper limit of the jurisdiction of the Children's Court.

14 - The age of full legal criminal responsibility.

and

10 - The age below which a child is excused from criminal responsibility.

The criminal responsibility of a child for its acts and omissions is set out in Sections 21 and 22 of the Crimes Act.

Section 21 says:

(1) No person can be convicted of an offence by reason of an act done or omitted by him when under the age of 10 years .....

Section 22 says:

(1) No person shall be convicted of an offence by reason of any act done or omitted by him when of the age of 10 but under 14 years unless he knew either that the act or omission was wrong or contrary to law .....

These sections create a presumption against criminal responsibility in favour of the child. That is to say, there is an absolute presumption that a child cannot be convicted of an offence by reason of an act or omission of his when under the age of 10 years. In the case of a child of 10, but under 14 years, the presumption is rebuttable and the onus for rebutting it is on the prosecution. Thus when a child between 10 and 14 is charged, the prosecution must prove, as part of its case, that the child knew at the time that the act or omission was wrong.

The lower age limit used to be 7 under the Common Law, but it

has been raised to 10 in New Zealand, but only to 8 in England, where the law is otherwise almost identical. It is interesting to record that the upper age limit (14 years) has been unchanged since at least 1748 and, to conjecture, in view of the present trend to lower legal age limits, this too will be lowered.

So we see that from the age of 10 with some limitation and from the age of 14, with no limitations at all, a child is answerable to the full process of the Criminal Law. The Child Welfare Act provides the machinery for dealing with offences by children in separate courts. The Magistrate in the Children's Court has a wide range of courses open to him in his determination of the cases brought before him. Not only may he adopt those special provisions provided for in the Act, but he can if he so decides, deal with the matter as though the case was being dealt with in the Open Court. When dealing with children in the lower age bracket, or with children of all ages charged with comparatively minor offences for the first time, he almost invariably disposes of the offender under the special provisions of the Child Welfare Act by discharging him without conviction or penalty; or by admonishing him; or by placing him under the supervision of a Child Welfare Officer for whatever period he decides is appropriate. If the offence is a serious one; or if the child is a continuing offender; or if it is living in an environment detrimental to its moral and physical well-being - he may commit the child to the care of the Superintendent of Child Welfare; or he may impose a fine; or he may sentence the child to a term of Periodic Detention.

Once the child is 17 years of age, the Magistrate now has available the further institutional training establishments of the Detention Centre, Borstal and Prison.

The age and behaviour patterns which qualify offenders for the various types of punitive action are set out, in the main, in the

Criminal Justice Act, 1954, and I will leave it to those of you, who feel so inclined, to read for yourselves just what they are, as I do not consider that it is important to this study to review that Act in any detail.

So it is, that the Magistrate has a wide range of punitive remedies available to him and, in theory, it should be possible to exactly equate each offender with the punishment, training and supervision needed to ensure future compliance with the laws.

The day of savage punishment for criminal offences has long since passed into history: it was followed by the era of institutional imprisonment of one type or another, generally for long periods, based on the premise that this was the only sure way of protecting the general public from the depredations of the criminal classes: this, in its turn, has given way to a system which, while it retains most of the earlier system, has changed the emphasis toward the training of offenders to take a normal place in society.

The Criminal Justice Act of 1954, to which I have already alluded, was the product of a comprehensive review of New Zealand's penal policy and is regarded as somewhat of a milestone in the development of a liberal and far-sighted attitude towards the disposition and treatment of offenders. Following the passing of this Act, effective alternatives to imprisonment were being constantly reviewed and, in particular, the concept of some form of part-time imprisonment came under close scrutiny. Some Magistrates made tentative steps toward this, in various forms of work under supervision of Probation Officers and gradually the concept of restitutive work within the community was developed, in conjunction with limited deprivation of freedom. Eventually the sentence of "Periodic Detention" was given full legal expression in 1963. This was the first treatment of its kind and has caused considerable interest and led to emulation overseas. The broad principles of

Penal Policy have been summarized as: "To help to turn offenders into good citizens" and to achieve this New Zealand has chosen the positive approach of responsible experimentation. In implementing this policy, the Department of Justice is guided by these principles:-

(1) Every effort must be made to divert young people from crime:

(2) Offenders should be removed from the community only as a last resort:

(3) When some form of imprisonment is necessary, every possible good influence must be brought to bear on the prisoner:

(4) Those who persist in serious crime must be held in custody for long periods in order to protect society:

(5) Every effort must be made to see that inmates released from detention are adequately resettled in the community.

The motive force for the progressive thinking in the Justice Department was the late Mr J.R. Hanan, Minister of Justice, and his work is being carried on by the present Minister and the Secretary for Justice. Whether or not these policies will be effective is a matter for detailed study and analysis in the future, and I will not attempt to reach any conclusion or make any predictions.

Mr Rounthwaite, in his paper, has referred to the Children's Court recidivism rate of close to 40%. The recidivism figure is considered by some writers on crime to be an important indication of the effectiveness of reformative or preventive programmes, but at best, it is unreliable and unacceptable. Its worth depends primarily on the methods used to arrive at the basis figures, the control exercised in gathering the necessary facts and the assessment of the variables present in every situation. With these factors in mind, I quote the recidivism rates from the statistics of the Hamilton Police Youth Aid Section for the year ending 31 December 1969 and for the Periodic Detention Centres for the period August 1963 to July 1967. The Police figure is 17%; that from the Periodic Detention Centres is 43%. You will note the

approximation of the figures for the Children's Court and the Periodic Detention Centres and the comparatively low figure of the Youth Aid Section. This does not mean that the Police are more effective in the field of Crime Prevention than are Child Welfare Division or the Justice Department - it merely shows the importance of adequate equation of the groups being studied, before any comparison is attempted. In the cases I have quoted, the Police Youth Aid Section is the odd man out, in that the great majority of the young people dealt with, have never been in any trouble prior to coming to the notice of the Section - the young people dealt with in the Children's Court are, in the main, coming to notice for the second time, or sometimes the third time before they are brought to court. In the case of the young people at the Periodic Detention Centres, they are almost certain to have been already recorded as statistics in the Children's Court and Youth Aid Section.

The Police Youth Aid Section was established in 1958 in Auckland, Wellington and Christchurch and now has 50 full and part-time officers working in 38 centres. Crime prevention is a prime Police function and much of the Police effort is directed toward it in the ordinary course. But because of the burden, immediate and future, which juvenile crime and youthful lawlessness can be on modern society, a special effort was called for from the Police in order to keep the problem in check and to reduce it as far as practicable. The sole or even principal responsibility in the prevention and correction of juvenile delinquency does not rest with the Police and, in the development of this special section within the Police, care was taken that the work and accepted responsibilities of other interested parties - Government and private - were not impinged upon. The underlying purpose of the Police scheme is to keep the welfare of the young offender to the fore when dealing with delinquent behaviour. The work of the

Section is thus directed, on the one hand, toward preventing them from falling into error and, on the other hand, to guiding those who do offend, back along the correct moral and social lines. A special feature of the scheme is that young people who have committed offences of only a minor nature and who have no previous record of offending; or have encountered unusual circumstances in offending again, are not sent to the Children's Court when there is a reasonable assurance that they can be guided away from further offending by less stringent methods.

As the Child Welfare Division is the Government agency which is most deeply involved with the young people, the Police Youth Aid officers maintain a close working liaison with officers of that Department, to ensure that all information about a young person is available to assist in an evaluation of the courses of action open.

The 17% recidivism figure I have already quoted, seems to establish that the Youth Aid Section is making an acceptably accurate assessment of the probability, of the young people it deals with, offending again. But let us face the fact that a great majority of young people offend out of a sense of adventure, mischief, inquisitiveness or acquisitiveness and, if caught out, are unlikely to offend again, even if the Police or Child Welfare took no active part in the situation.

The national statistics of Youth Aid Section show that the numbers of young people who come to notice and the incidents in which they are involved, increase every year. I will quote them here for their interest value and I ask you to treat them as indicative only, as I have not equated them to any increase in the total population of the age groups involved, and I know that the system of gathering and recording the information was changed in 1970, and many incidents which were formerly dealt with on an informal basis now appear as statistics.

For year ending			31.3.67	10753	children	were	involved	in 13176	incidents
"	"	"		68 11202	"	"	"	" 15103	"
"	"	"		69 12539	"	"	"	" 16239	"
"	"	"		70 14805	"	"	"	" 24101	"

You will see that the number of young people increased by 1786 in the first three years, but by 2266 in the last year. All these figures do, is to supply a measure of the work done by the Section and they are really of no other use. There is a crying need for detailed study of the statistical information compiled by the Police, Child Welfare, Justice and Maori and Island Affairs Departments, to name but a few sources of information about youthful anti-social behaviour, by someone trained, not only in the interpretation of those statistics, but also in the control methods essential if statistics are to be of any real use. I cannot speak of other agencies, but I do know as far as the Police are concerned, our statistics record work loads and work output only.

There is no legislative authority for the Police to undertake preventive work amongst juveniles and, for that matter, among the community at large, but this duty was inferred by the English Common Law and has received some qualified judicial acceptance. The Police themselves have always considered that this was one of their prime functions. The lack of legislative authority means that Police efforts in the juvenile crime prevention field are often hampered by the antagonism of the child and by a refusal to co-operate on the part of the parents, or their inability to exercise that degree of control over their children which Youth Aid Officers consider is desirable. We all have to operate in the current era of the permissive society and an increasing insistence on full legal rights for every human being, no matter what its age, or responsibility, or mental capacity.

The field of inquiry into the causation of juvenile crime is

of dismaying size, but until it has been fully explored, it is unlikely that a satisfying answer can be found to the problem of "susceptibility" - the question, in other words, why, of a number of children with apparently similar personal problems, physical and mental make-up, and environment, some break down into delinquency, others into other forms of irrational behaviour, and others do not break down at all. There has been insufficient investigation into the effect of various methods of treatment, for newer methods have been introduced and are used by the courts without there being any accurate knowledge of their results. It has to be remembered that penal methods are not like an industrial process which proceeds from laboratory experiment to a pilot plant and on to full-scale production: a new penal method must be authorised by Parliament, and however much care and thought goes into devising the method, it is bound to be an experiment. Those responsible for legislation hope and expect that it will do what they mean it to do, but quite often it works out in an unexpected way. Courts must at times follow courses that have been insufficiently examined. A court that, for example, sends an offender to a Periodic Detention Centre cannot at present know whether that is a method of treatment that is suitable for that kind of offender, or indeed whether that method of treatment can be any good in any circumstances. We need a number of inquiries of limited scope, similar to that made by the Research Branch of the Justice Department on the Periodic Detention Work Centres, some of whose figures I have quoted today, to keep the effectiveness of the methods of treatment under careful observation.

We all have to accept the social conditions of the times in which we live and using those conditions as a frame, devise systems which should best achieve the results we desire. Given those conditions, it seems to me that the guiding principals for the punitive treatment of offenders put forward by the Justice Department, will be effective with the Juvenile section of the community.

I will close then, by stating them again:

(1) Every effort must be made to divert young people from crime:

(2) Offenders should be removed from the community only as a last resort:

(3) When some form of imprisonment is necessary, every possible good influence must be brought to bear on the prisoner:

(4) Those who persist in serious crime must be held in custody for long periods in order to protect society:

(5) Every effort must be made to see that inmates released from detention are adequately resettled in the community.

PAPER 7

THE MODIFICATION OF DELINQUENT BEHAVIOURS

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The application of therapeutic techniques based upon learning theory, commonly referred to as 'behaviour therapy' or 'behaviour modification', to the modification of delinquent and anti-social behaviours has increased considerably in recent years. This expansion into the ambit of behaviour disorders defined by breaches of the legal code was most likely induced by the considerable success of the various behaviour modification techniques within the clinical field.

The nature of problems encountered in dealing with delinquent and anti-social behaviour differ little from those faced in the clinical setting. In general, behaviour modification is concerned with the manipulation of those variables which lead to the elimination of maladaptive behaviours and/or the generation and maintenance of adaptive pro-social behaviours. Most delinquent and anti-social behaviours can be categorised either upon the basis of an absence or paucity of pro-social behaviours within the behaviour repertoire or upon the presence of anti-social behaviours at the top of the hierarchy of probable responses under certain stimulus conditions.

All of us possess skills and aptitudes which, if used, would cause us to be defined as delinquent or anti-social. We can, for example, all throw a brick through a window, slash car tyres, enter buildings by removing the toilet louvres, and so on. There exists a considerable discrepancy between the range of behaviours we acquire and those we perform. Although we may have acquired some of the behaviours alluded to above we do not perform them for a

variety of reasons, largely because they do not possess reinforcing consequences for us or have, in the past, given rise to aversive consequences. Thus we have generally learned appropriate pro-social behaviours and have relegated our potentially anti-social behaviours to a position of low probability of occurrence. Furthermore, some of our anti-social urges are satisfied by more subtle delinquencies such as dropping litter or breaking minor laws and social rules. But, given the appropriate situational variables, anti-social responses ascend the hierarchy, so that in war-time we teach thousands of people to kill, maim, and destroy property. We reinforce such behaviours with medals and honours. On the other hand, a wartime hero who kills in peacetime is called a murderer and severely punished. Similarly, the girl cornered by an assaultive male may well knee him in the groin, whilst under a different set of stimulus conditions she might have come to the assistance of the same male when he encountered difficulty undoing her bra!

These examples should prove instructive. It appears that the major difference between delinquents and those of us who consider ourselves not delinquents is the probability of occurrence of certain behaviours, the stimulus conditions obtaining at the time at which those behaviours are emitted, and the anticipation of the consequences of that behaviour. Because the behaviour of both delinquent and non-delinquent is generated and maintained by the same processes one can only differentiate between them on qualitative grounds. One might well pause to speculate over whether widely sanctioned activities such as wars, nuclear tests, and environmental pollution are not greater delinquencies and more grossly anti-social than those perpetrated by the majority of individuals called delinquents, but I digress.

Delinquent behaviour is reinforced and maintained by social approval from peers and/or the proceeds and satisfactions from the

delinquent act. Additionally, when the probability of being caught and punished is low, or when the reinforcing potential of the behaviour is perceived as being greater than the possible aversive consequences of punishment, the greater is the likelihood of such behaviours being maintained. Being caught and punished provide some aversive consequences but, if the probability of ...ss is higher than the probability of capture, punishment may merely serve to encourage the delinquent to modify his responses in such a way as to further reduce the future likelihood of apprehension by the law.

As stated earlier, delinquents behave as they do because they lack certain pro-social responses - either because these responses have not been acquired or, because of lack of reinforcement, they have either been extinguished or have a low probability of emission. They generally conform to a different set of norms because behaviours appropriate to those norms have positive reinforcing consequences. Attempts to modify delinquent or anti-social behaviours must, therefore, be based upon some programme which reduces the reinforcing properties of socially deviant responses and increases the probability of emission of socially accepted behaviours by reinforcing them. The application of the laws of extinction and reinforcement, derived from learning theory, seems to match the above requirement most closely, thus behaviour modification appears as a treatment of choice. One can increase the efficacy of behaviour modification by having a high degree of control over the environmental contingencies which lead to the extinction (by non-reinforcement) or generation (by reinforcement) of selected target behaviours. Because environmental control is greatest within the institution, this would appear to be the logical place to initiate the application of these techniques.

The current constitution of our institutions dealing with

delinquents - various boys and girls homes and borstals - forces them to operate upon fairly primitive, non-scientific principles. Reports of their success rates provide evidence of their achievements as academies, some 60-70% of whose graduates are very likely to continue post-graduate studies in borstals, prisons, or psychiatric hospitals. Such graduates are products of a psychological naivete and an ancient system of judicial retribution forced upon them by the demands of a supposedly non-delinquent society which still requires its "pound of flesh".

One might well ask why the probability of success in modifying delinquent behaviour is so low under current regimes. Apart from the fact that most of the punishments meted out by our judicial systems are irrelevant, primitive, and, in behavioural terms, scientifically indefensible on a number of grounds (Bandura, 1969, provides an excellent theoretical discussion on punishment), part of the answer may lie in the findings of the following investigations. Beuhler, Patterson, and Furniss (1966) discovered, from preliminary observations of delinquent girls in a detention home, that 70 per cent of positive reinforcement from peers was provided for pro-delinquent behaviours such as rule breaking, aggressive acts, criticism of adults and adult rules, and "kicks". The peer group also tended to disapprove of pro-social behaviours. More carefully controlled observation revealed that (a) the majority of peer reinforcement (82%) and punishment (64%) occurred at the non-verbal level of behaviour; (b) positive peer reinforcement was provided significantly more often for delinquent acts than peer punishment; (c) peers punished pro-social behaviours significantly more frequently than they rewarded them. The authors state that when treatment procedures are considered, the continuous peer group manipulation of behaviour via non-verbal communications must be taken into account and dealt with. Furthermore, it was revealed by data from 'closed cottages' "that insitutional criteria for

improved behaviour may be related simply to 'security' (more or less locked doors) and other maintenance variables rather than to changed social attitudes and behaviour"(authors' emphasis) (p.161). When the ratio of punishment versus reward for non-delinquent and delinquent behaviour (88% rewarding, 12% punishing) is considered it is evident that peer group communications functioned to maintain precisely the attitudes and behaviours which initially led to institutionalization. In a third series of observations within this study, the authors attempted to formulate a quantitative method of behavioural analysis which could serve as the basis for later therapeutic regimes designed to match the requirements of each inmate so that increased staff and, later, peer-reinforcement for pro-social acts could be scheduled. From this work emerged the fact that staff provided indiscriminate punishment and reinforcement, a state of affairs most likely to reduce staff influence upon inmate behaviour. Staff responses, in terms of reinforcement or punishment, were often in line with their evaluation of the inmate - 'good' inmates being persistently rewarded regardless of their behaviour, 'bad' inmates receiving persistent punishment despite any moves toward pro-social responses.

The role of the staff in the maintenance of delinquent behaviour within the institutional setting is elaborated further by Burchard and Tyler (1965). In this case study of Donny - a seemingly intractable delinquent - an analysis of the contingencies maintaining his anti-social acts indicated that much of his behaviour was being reinforced within the institution by the staff. It was found that anti-social outbursts were followed by:

1. increased staff attention contingent upon the behaviour;
2. snacks which Donny received from the staff whilst in isolation; and
3. peer attention, praise, and sympathy as well as the self-rewarding consequences of his disruptive outbursts - even when in isolation.

Donny's few pro-social activities were of such low quality that they were rarely reinforced and, as staff time was generally restricted to dealing with troublemakers, they were not available to reinforce those he did display. The evidence suggested that the staff were, therefore, actually instrumental in shaping and maintaining the anti-social responses. The authors initiated a programme which altered the contingencies under which reinforcement was obtained. The minimum of staff attention followed disruptive acts, which also led to perfunctory three hour isolation under conditions of severely restricted communication. Acting out in isolation evoked a one hour extension of isolation. In order to increase pro-social responses Donny earned a token for each day time hour out of isolation and three tokens if out overnight. Tokens could be spent on consumer luxuries, movies, town trips and recreational activities. After two months slight modifications made tokens more difficult to earn and reduced isolation from three to two hours. Over a total of five months, Donny's periods in isolation dropped by 33 per cent, as well there was considerable reduction in the seriousness of his offenses in this time. Staff reported increased ease in control of Donny's behaviour and he was able to move to an open cottage.

This study, despite its methodological weaknesses, does suggest that institution staff contribute to the maintenance of delinquent behaviours and that behaviour modification techniques can serve as a means of altering the contingencies under which reinforcement occurs, thus redirecting behaviour toward pro-social ends.

The importance of the above studies is that they identify some of the key interpersonal variables which militate against the success of our so-called correctional institutions whose authorities and protagonists mouth epithets about rehabilitation and re-education, but consistently fail to apply scientific procedures to the process

of identification and modification of either the target behaviours or their own goals.

The presence of a high degree of covert peer reinforcement for acts consonant with delinquent norms, plus the general psychological naivete of small staffs whose role largely involves the task of maintaining a fairly rigid form of punitive discipline, mean that delinquent acts receive a considerable degree of positive reinforcement from both peers and staff, whilst pro-social behaviours receive negative sanction from peers and non-reinforcement from staff. The punitive role placed upon, and accepted by, staff reduces their capacity as potential reinforcers of pro-social behaviour and their status as behavioural models is further eroded by the use of derogatory terms, such as "screw", by the inmates.

The application of a token reinforcer system, such as that employed by Burchard and Tyler (1965), was extended and elaborated by Cohen (1968) and his associates (Cohen, Filipczak, Bis, Cohen, Goldiamond, and Larkin, 1968) and applied to the re-education and rehabilitation of delinquents with low educational achievements. Cohen saw the need for the development of vocational skills amongst delinquents, arguing that these would enable the legitimate attainment of desired social and material goals. Thus he concentrated upon the generation of educational competencies and favourable attitudes toward educational techniques. The institutionalized adolescent boys, randomly selected to participate in the programme, all had extremely poor academic histories and little interest in academic achievements. Using a system of points, earned for high achievement scores in courses of programmed instruction and other academic pursuits, the boys earned monetary rewards by means of which desirable consumer goods, services, and favourable accommodation could be purchased at outside rates. The participants had to achieve a certain minimal level of academic progress in order to maintain any of

the luxuries. The usual coercive institutional sanctions were largely absent and, instead, considerable weight was attached to positive incentives, personal initiative, and self-determination. Within eight months most of these "drop-outs" had gained more than two school years on standard attainment tests when compared with pre-treatment scores. Similar results were obtained by Tyler and Brown (1968) in a study which showed that contingent reinforcement for academic achievement was more powerful than non-contingent reinforcement. Other studies using token systems to increase academic performance are reported by Meichenbaum, Bowers, and Ross (1968) and Martin, Burkholder, Rosenthal, Tharp, and Thorne (1968). This latter study demonstrates the application of a programme extending beyond the purely token system to the maintenance of academically appropriate behaviour by social reinforcement.

An expansion of the token economy points system to modify behaviours such as aggressive statements, unpunctuality, incomplete homework and untidiness which were displayed by three pre-delinquent boys in a small rehabilitation unit, was undertaken by Phillips (1968). Points were gained for adequate performance of certain target behaviours and lost for inappropriate responses. Points earned desirable "privileges" which were part of the natural environment of the home, but which were manipulated as motivators for the purposes of the study. The author reported that the target behaviours were all modified in the desired direction and he concluded that such a token system, relying as it did upon reinforcers already available in the home environment, "could contribute to an effective and economical rehabilitation programme for pre-delinquents". (P.213.)

Whilst the above studies support the view that a change in institutional orientation from punitive to reinforcing control of behaviour is likely to produce considerable increments in

pro-social behaviour and successful intra-institutional rehabilitation, they offer no follow-up data from which we might assess the generalization of these changes into the "outside" after release. It is the recency of the above studies which currently precludes such an assessment. However some indirect evidence may be obtained from the work of Schwitzgebel and his colleagues, with which I shall deal presently after a brief return to the problem of peer reinforcement.

Evidence from the investigations of Buehler, Patterson, and Furniss (1966) and Burchard and Tyler (1965) pointed to the importance of positive peer and staff reinforcement in the maintenance of delinquent behaviour within the institution. Whilst token systems such as those just considered would generally eliminate staff reinforcement of socially inappropriate responses, they do not appear to deal directly with peer responses. However, it is highly probable that such systems would, as a by-product, generate considerable resistance to peer group maintenance of pro-delinquent behaviours on account of the loss of desirable "luxuries" contingent upon such behaviours. Also, staff orientation towards positive reinforcement of pro-social behaviours, rather than oppressive discipline, as a means of behaviour control would tend to erode the power of peer reinforcers and simultaneously increase the status of staff as desirable models upon whom to base appropriate pro-social responses.

The power of intransigent individuals could be effectively reduced by undermining their value as negative peer models. Such an approach was positively demonstrated by Brown and Tyler (1968) in their manipulation of the reinforcing consequences which maintained the behaviour of an intimidating and aggressive delinquent who ruled both staff and peers in an institution. Utilizing isolation, or a time-out-from-reinforcement schedule, for disruptive and bullying behaviour enabled the effective power of

this individual to be whittled away and, as a consequence, he displayed increasing amounts of pro-social behaviour which generated a complete and positive change in staff and peer attitudes toward him. Tyler and Brown (1967) provide further illustrations of the efficacy of time-out procedures in modifying the anti-social behaviours of institutionalized delinquents.

Schwitzgebel (1967) and his co-workers (Schwitzgebel and Kolb, 1964) report the only currently available studies demonstrating the application of behaviour modification techniques to groups of delinquents outside of schools or institutions. There have, of course, been numerous individual case studies. Schwitzgebel and Kolb (1964) contacted adolescent delinquents in their city haunts and invited them to earn money by talking into a tape recorder about anything they wished. Some 40 accepted and attendance, behaviour and punctuality were shaped by a variety of natural reinforcers, punishment for non-attendance or lateness was avoided. (Note that these rewarded behaviours are consonant with the holding of a job.) The direction and tone of the taped interviews was also shaped by a range of reinforcers. Later interviews were supplemented by lowly paid activities which included preparing for drivers licence tests, construction of simple electronic apparatus and so on. Toward the end of the project the subjects independently began to take part-time jobs elsewhere and interviews became more infrequent as moves to full-time employment were made. A three-year follow-up on the first 20 subjects, who had initially been selected as an experimental group and paired with 20 control subjects selected from correctional institution records, revealed that the experimental group had had significantly fewer arrests and shorter terms of imprisonment over the follow-up period than had controls. When comparisons were made between the two groups on the proportion of their respective members returning to reformatory or prison, no significant difference was found, although the proportion for

the experimental group (35%) was 10 per cent lower than for controls. The success of this study is considerable when one reflects upon the low degree of environmental control and the relatively vague goals of the experiment. The outcome suggests that even better results could be achieved with behaviour modification programmes conducted within institutions where a higher degree of environmental control and more precise identification of target behaviours is possible.

Schwitzgebel (1967) has since refined the taped-interview technique and applied it, in both laboratory and natural settings, to the conditioning of socially relevant behaviours. He demonstrated that positive reinforcement of appropriate behaviours served to increase their frequency, whilst mild punishment of hostile statements resulted in no significant decrease in the frequency of their emission.

Consideration of all of the studies referred to thus far provides a considerable body of evidence for the viability of learning theory models as effective procedures for the identification of the variables maintaining delinquent behaviours and also as the means by which pro-social behaviours may be generated, increased, and maintained both within and beyond the institutional setting.

The application of behaviour modification to specific forms of delinquent and anti-social behaviour as displayed by individuals is also widely reported in the literature. A variety of techniques employing extinction, reinforcement, and mixed procedures has been applied to behaviours such as fetishism (Kolvin, 1967), voyeurism (Jackson, 1969), petrol-sniffing (Kolvin, 1967), drug dependence (Lesser, 1967), shop-lifting (Kellam, 1969), fire-setting (Holland, 1969), stealing (Wetzel, 1966) and truancy and destructive behaviour (Boardman, 1962). (Readers interested in the techniques applied in these cases should refer to the above articles and also, for a

general description of techniques, to Bandura (1969) and Ullman and Krasner (1969).)

Apart from its other well documented advantages over conventional psychotherapeutic approaches (e.g. relative freedom from the constraints of age, intelligence, verbal fluency and socio-economic status, suitability of quantification, relative brevity, and a wide range of techniques), behaviour modification regimes are relatively easy for psychologically unsophisticated persons to follow. After relatively brief training, institution staff or parents can implement programmes devised and supervised by appropriately trained psychologists. This arrangement enables the psychologist, a relatively scarce and expensive resource person, to make more extensive application of his skills over a greater caseload. At the same time it permits those most closely and constantly associated with the treated person or persons to engage in the therapeutic process. The work of Ayllon and his associates (Ayllon & Azrin, 1968; Ayllon & Michael, 1959) has demonstrated some of the methods and the potential advantages of training psychiatric nurses to work within behaviour modification programmes. As regards delinquents, Wetzel (1966) involved institution staff in the elimination of persistent stealing by an inmate. Brown and Tyler (1966) and Burchard and Tyler (1965) also utilized staff in their modification of anti-social behaviour, whilst studies reported by Ullman and Krasner (1969) have involved teachers and parents.

Obviously more extensive and complex treatment regimes require that the staff have some appreciation of the procedures and aims of the programme, which means that some form of brief training is desirable. Although staff engaged in behaviour modification should be willing to conform with the requirements of the programme, it is not necessary that they should accept or "believe in" its theoretical bases.

Within the brief span of this paper I have attempted to provide an introduction to the behavioural analysis of delinquent and anti-social behaviours as well as overview of remedial and rehabilitative procedures based upon learning theory models. The evidence from the various investigations cited provides considerable empirical support for the learning theoretical explanation of the origins and maintaining factors underlying delinquent behaviours. They also firmly establish the efficacy of treatment techniques derived from the theory. Finally, the findings suggest that the adoption of such programmes could:

(a) increase the success rate of our correctional institutions,
(b) provide for more extensive development of pro-social behaviours amongst delinquents,
(c) break down some of the barriers currently reducing the effectiveness of the treatment of delinquents,
(d) increase and improve the therapeutic role of institutional staff, thus eliminating their punitive role and making their work more attractive and rewarding,
(e) enable more effective and efficient use of psychologists without necessarily greatly increasing the number employed, and finally,
(f) produce concomitant economic gains through savings in government expenditure and by providing additions to the labour force as a result of lowering the proportion of trainees going to borstals, prisons, or state psychiatric hospitals.

REFERENCES:

Ayllon, T. & Azrin, N. (1968), The Token Economy, N.Y., Appleton-Century-Crofts.

Ayllon, T. & Michael, J. (1959), "The psychiatric nurse as a behavioural engineer." Journal of the Experimental Analysis of Behaviour, 2, 323-334.

Bandura, A. (1969), Principles of Behavior Modification, N.Y., Holt Rinehart-Winston.

Beardman, W.K. (1962), "Rusty: a brief behaviour disorder." Journal of Consulting Psychology, 26, 293-297.

Brown, G.D. & Tyler, V.O. (1968), "Time-out from reinforcement: a technique for dethroning the 'duke' of an institutionalized delinquent group." Journal of Child Psychology and Psychiatry, 9, 203-212.

Buehler, R.E., Patterson, G.R., & Furniss, J.M. (1966), "The reinforcement of behaviour in institutional settings," Behaviour Research and Therapy, 4, 157-167.

Burchard, J.D. & Tyler, V.O. (1965), "The modification of delinquent behaviour through operant conditioning," Behaviour Research and Therapy, 2, 245-250.

Cohen, H.L. (1968), "Educational Therapy: the design of learning environments," in J.M. Shlien (Ed.) Research in Psychotherapy, Wash. D.C., A.P.A., 21-53.

Cohen, H.L., Filipczak, J., Bis, J., Cohen, J., Goldiamond, I., & Larkin, P. (1968), Case 11 - Model: A Contingency - oriented 24-hour learning environment in a juvenile correctional institution. Silver Spring, Md: Educational Facility Press.

Holland, C.J. (1969), "Elimination of fire-setting behaviour in a 7-year-old boy." Behaviour Research and Therapy, 7, 135-138.

Jackson, B.T. (1969), "A case of voyeurism treated by counter-conditioning." Behaviour Research and Therapy, 7, 133-134.

Kellam, A.M.P. (1969), "Shop-lifting treated by aversion to a film," Behaviour Research and Therapy, 7, 125-128.

Kolvin, I. (1967), "'Avercive imagery' treatment in adolescents" Behaviour Research and Therapy, 5, 249-250.

Lesser, E. (1967), "Behaviour therapy with a narcotics user: a case report." Behaviour Research and Therapy, 5, 251-252.

Martin, M., Burkholder, R., Rosenthal, T.L., Tharp, R., Thorne, G.L. (1968), "Programming behaviour change and reintegration into school milieux of extreme adolescent deviates." Behaviour Research and Therapy, 6, 371-383.

Meichenbaum, D.H., Bowers, K.S. & Ross, R.R. (1968), "Modification of classroom behaviour of institutionalized female and adolescent offenders." Behaviour Research and Therapy, 6, 343-353.

Phillips, E.I. (1968), "Achievement Place: token reinforcement procedures in a home-style rehabilitation setting for 'pre-delinquent' boys". Journal of Applied Behaviour Analysis, 1, 213-224.

Schwitzgebel, R. & Kolb, D.A. (1964), "Inducing behaviour change in adolescent delinquents." Behaviour Research and Therapy, 1, 297-304.

Schwitzgebel, R. (1967), "Short-term operant conditioning of adolescent offenders on socially relevant variables." Journal of Abnormal Psychology, 72, 134-142.

Tyler, V.O. & Brown, G.D. (1967), "The use of swift, brief isolation as a group control device for institutionalized delinquents." Behaviour Research and Therapy, 5, 1-9.

Tyler, V.O. & Brown, G.D. (1968), "Token reinforcement of academic performance with institutionalized delinquent boys." Journal of Educational Psychology, 59, 164-168.

Ullman, L.P. & Krasner, L. (1969), A Psychological Approach to Abnormal Behavior, Eng. Cliffs, N.J.: Prentice-Hall.

Wetzel, R. (1966), "Use of behavioral techniques in a case of compulsive stealing." Journal of Consulting Psychology, 30, 367-374.

PAPER 8

PHYSICIAN HEAL THYSELF

J F Thompson

This discussion, written from the point of view of an auditor of the symposium, will have as its objective the assessment of several of the views which were expressed regarding delinquency. The task of summarizing impressions and analyzing data and conclusions within the confines of a brief paper is a difficult one, and many issues must consequently go unchallenged; only issues which appear to have major implications will be introduced, and these will be related as far as possible to specific papers presented, although in several cases criticisms may be of a general nature and apply to a number of the papers.

All seven papers are linked by a common major and unexamined assumption, that delinquency is a "social problem", a condition to be "treated", "cured", and the major objective is to change individuals and groups from deviants to "law abiding" and moral people and groups. There is a fascinating alternative, affirming the legitimacy of what is called delinquency, which is partly suggested in the writings of R D Laing. One might be tempted to play with the view that delinquency, like another umbrella term, schizophrenia, is not so much an illness, a syndrome, an abnormal or subnormal way of behaviour, but an allegation against the way of being, the authenticity of one kind of man by another who happens to belong to the majority, dominant group.

From the point of view of someone listening to the contributors, one very important difficulty which emerged was the lack of a commonly-agreed definition. Indeed some do not state a definition at all, appearing to assume that the readers' view of what is meant by the word will be much the same as that of the author. This would seem to be an unwarranted assumption which might well fail if put to a test, and the danger of a hidden

communication gap is inherent in it. Others[1] take the view that "lawbreaking" may be the synonym of "delinquency" and then, inconsistently, use figures dealing with court appearances as "indicators" or measures.[2] In the U.S.A., delinquency has been legally defined for Federal fund granting purposes as lawbreaking, but to such people as citizens, social workers, teachers and other interested parties, juvenile delinquency is, as an area of concern, a great deal broader than mere lawbreaking. Consequently, to narrow our study to acts which have resulted in court appearances:

(i) avoids dealing with behaviours which, while not illegal, are as much a part of the set of special characteristics of "delinquents" as those items of behaviour against which the dominant section of our culture has enacted laws: e.g. contempt for policeman is not illegal.

(ii) wrongly assumes that laws are a coherent, consistent system, forming a rational basis for comparing delinquency rates, either through time or across geographical areas. Thus, homosexual acts would be defined in legal terms as delinquent only if undertaken by males, and differences in legislation make it quite impossible to compare cross-cultural rates. (In the extreme examples, one finds that certain behaviours are punishable by lengthy prison terms in some states of the U.S.A. and in other states they fall within the range of lawful, if not moral, acts.)

(iii) fails to take account of several types of lawbreaking which are not generally termed delinquent. For example, "white collar" tax evasion and traffic offences, do not generally carry the social stigma which attaches to pimping, stealing, assault and so on. Clearly attached to the lawbreaking aspect of delinquency there is an element of value judgement; that one kind of offence (which happens to be social class oriented) is worse than another.

In any case, figures purporting to show an increase in juvenile delinquency, which are based on court appearances are quite

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1 For example, McKissack and Chapple.

2 Convictions would be possibly a better measure of delinquency if we accept the courts as relevant. Even then it is obvious that these are just the tip of the iceberg.

meaningless unless it can be said to what extent they relate to real changes in behaviours, norms and mores across the population, rather than increased activity on the part of the police force, changes in the law or the way in which it is administered. Suppose, for example, that in a certain community a third of all court appearances were on charges of being found on licenced premises while under age, and that in a given year the age level is lowered, then a dramatic drop in "delinquency" might easily occur, even though the behaviour of the type earlier prohibited actually increased.

Nor can such figures be used to support statements to the effect that a particular ethnic or social group is more prone to undesirable behaviour than another. There is clear evidence from the U.S.A. that non-Caucasians are far more likely to be arrested than are good WASPish citizens, and this generalization seems to apply equally when applied to groups on the basis of social stratification. Again, education, together with increased sophistication (which might be expected to increase an individual's ability to avoid detection), is distributed unevenly across ethnic and class boundaries. Finally, on this point, it would be anticipated that there would be a major variable in detection which cannot be allowed for, since it can never be known about the "ones who get away".

Summarising the argument so far it can be said that in the absence of an explicit definition of the topic under examination an implicit one will emerge, and may well lead us into views which we would be loathe to accept if they were more thoroughly examined. Thus, figures giving court appearances as an index of delinquency may falsely make it appear that a serious problem is increasing (or diminishing) in rate, since such figures may vary according to changing laws or increases in police activities, efficiency, or perspectives. Such figures, where

they have been presented, are also misleading in that they do not reflect psychological or sociological states so much as the meaningless body-count method of assessing change. We could just as easily argue from them that we can reduce the incidence of delinquency by rewriting laws so that actions which are at present illegal become permissible, or by reducing the strength of the police force so that fewer people are apprehended. More acceptably, perhaps, we could deal with a number of offences through alternatives to court procedures; some trends in this direction can be identified in present-day society, but increasingly restrictive laws may be a counter influence, and a developing tendency to report breaches may serve to swell the number of court appearances.

A further difficulty relates to the standpoints adopted by the various speakers. It must, for example, be expected that a psychologist will offer a psychologically oriented commentary which will deal with delinquency as a pathological state and talk about "treatment".[1] This will be a more impressive point of view when psychologists can make a distinction between the state of mind of a delinquent, and that of say an urban guerrilla or a soldier committing an act of war. In short, before moving to the concept of "treatment", it is vital that delinquency should be shown to be an abnormal psychological state rather than an undesirable code of behaviour. It is always possible that the delinquent, like a man with a tic, may freely decide that he wants to modify his behaviour, and apply to a psychologist for aid, in which case the use of operant conditioning may well be appropriate. This seems unlikely, however, for while the sufferer with a tic can see his affliction as a blemish on an otherwise worthwhile personality, the "delinquent" must first

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1 These comments relate largely to Mr Parsonson's paper.

come to regard virtually his whole personality as some kind of a blemish. He must question his choice of friends and everything in which he has invested time and feeling. And he presumably must come to want to accept the evaluation of him offered by the "straight" world, frequently knowing that his status in the new group will be lower than that which he was accorded by his "delinquent" friends. If he does not apply for such a personality change - and few will - he remains a "problem" in the eyes of society at large; yet how will the operant conditioner reach him, without violating his personal freedom, and thus becoming "delinquent", in terms of some of the norms of our society, himself? Apart from what may be considered to be a technical error in arguing that the "treatment" should be carried out in an institution,[1] it seems frighteningly clear that Mr Parsonson's proposals would work. And, furthermore, they would be as effective in reducing any kind of "delinquent" behaviour, including "political delinquency". Somewhere along the line the psychologist will have to look carefully at his definitions, and when he does so he is likely to find a moral question staring back at him.[2]

The point has been made that possible sources of vagueness, confusion, or outright error may lie in lack of definition, the use of inappropriate statistics, and the particular standpoint of the observer. Others should be mentioned. The first of these is the type and style of language and vocabulary which we use in our analysis. Some of the terms used in the Symposium, while apparently having meaning, become vague on closer examination. In the interests of brevity, only three examples are offered, but others may be found in various papers:

1 Studies of organizations suggest that institutions such as prisons and mental hospitals develop objectives which run counter to the official objectives of the institutions. (See Goffman, E., Asylums, Essays on the Social Situation of Mental Patients and Other Inmates, Anchor Books, 1961.) In any case, for theoretical reasons, it might be expected that the reinforcers should be applied in the context in which the new behaviour must be practised, i.e. in ordinary society.

2 The extent to which the techniques of operant conditioning are open to a humanist approach is open to serious doubt, for there is a strong temptation to call the process "brainwashing" when we disapprove of the end/"treatment" when carried out to meet goals of which we approve.

1. The Social maturity[1] concept here is difficult to grasp. By defining or regarding conformity to the given set of laws as an index of social maturity we could easily be forced to regard such innovators as Mahatma Ghandi, and Martin Luther King as socially immature.

2. "Commitment"[2] as used here adds nothing to our knowledge of offenders since we know little of the basis of the "greater commitment" of recidivists to criminal behaviour. Such terminology contains a dangerous ambiguity: an individual may be seen to be "committed" by circumstance to a particular way of life. The word is more frequently used, however, to indicate free and deliberate choice, and if taken in this sense it acquires a moralistic overtone, suggesting that crime/delinquency is a matter of choice.

3. The other view that crime is active[3] ignores the fact that under law it is possible to be convicted of failure to act.

While on the question of the use of language, it does seem to be misleading of Mr Rounthwaite to ask us to "remember the Hutt Valley" when urging us to take a long term view of the topic. Further investigation would show that the incidents amounted to a non-event as far as genuinely delinquent behaviour is concerned. The probation officer who was involved with the case has stated that virtually without exception the complaints were quite trivial, and the whole affair was closed down by ministerial direction on the grounds that there was no cause to believe there was anything unusual or of concern.[4] If we do remember the Hutt Valley incidents, it should be as an example of journalistic hysteria, which may well remain a factor in the apparent rise of misbehaviour by the young.

Mr Rounthwaite also speaks with apparent disapproval of the way "permissive society", and seems to indicate that in some way it

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1 McKissack, p 49

2 McKissack p 44

3 Chapple, p 33; McKissack, p 44.

4 Personal communication.

is behind a weakening of morality. This does not appear to be a helpful view, since it is virtually impossible to turn back to the society which many older people remember with nostalgia, and in which unreported vandalism, etc may well have been high. In any case, it is surely only when constraints are few that a moral stance is really possible. A "morality" of social commandments imposed by society as a whole on individuals through punishment and reward has little to commend it.

Many of the points made in this critique may well be implicit in some of the comments in Professor Ritchie's paper. Some remain unresolved, however. For example, the difficulties already mentioned concerning the need for a clear definition of delinquency are by no means resolved by such simplistic formulae as Gold's view that the common ground of all delinquents is "a willingness to break the law," for, given the right place and circumstances and the wrong law, this could well be a laudable act, or at least the outcome of a moral decision. In any case, there is evidence of considerable law-breaking which is not normally counted as delinquent behaviour, and some writers have argued that few people live their lives without ever committing a crime. Perhaps we should be more concerned with the consideration of time, place, and the raison d'etre of the various laws than with building assumptions about "an urge to break the law".[1] In line with Professor Ritchie's own later argument, we may feel it more important to examine the nature of our society, and the competition for material and status rewards. The question of the effect of frustration in the pursuit of goals which others are seen to realise appears to be of particular interest, and in this respect an interesting comparison may be made between Professor Ritchie's comments on relative deprivation and the development of cargo cults by certain New Guinea groups faced with European economic techniques from which they were personally excluded.[2]

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1 Ritchie, p 6.

2 Worsley, Peter. The Trumpets Shall Sound: a story of "cargo" cults in Melanesia, 2nd ed. London: MacGibbon & Kee, 1968.

The success of a symposium such as the present one lies in the impetus towards further reflection, clarification and research upon an important topic, and here the present papers make a distinct contribution. While we may (or may not) agree with Durkheim's[1] view that "the determining cause of a social fact should be sought among the social facts that preceded it and not among the states of individual consciousness," it would seem likely that the issue of delinquency might be fruitfully examined through a multidisciplinary approach (in addition to the present interdisciplinary academic one).

Contributions from very diverse sources should be welcomed: psychology, literature, drama and even film-making have a very important part to play. Finally, the point must be made that when "society" sees fit to tackle the "problem" of whatever delinquency is by "treating" individuals what is really happening is that some citizens have set themselves up, rightly or wrongly, to judge other citizens and to change them. It is therefore worth remembering the old adage: "physician heal thyself".

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1 Durkheim, Emile. The Rules of the Sociological Method.

PAPER 9

ON THE RELATIVE HEALTH OF PHYSICIANS

I J McKissack.

It is difficult to comment on Jim Thompson's epilogue to the symposium. His views are so clearly typical of the radical contemporary scene that to dispute them is to immediately reveal one's reactionary tendencies. But comment is needed.

It is, of course, true that our definition of delinquency is important. Presumably the participants in the symposium felt quite clearly that the term "delinquency" had some meaning, even if they might differ on a precise definition. It is of little help to quote extreme examples of unjust laws. The fact remains that there is a hard core of acts that society, including delinquents, regard as undesirable. Matza puts the point well:-

> The appreciation of shift, ambiguity, and pluralism need hardly imply a wholesale repudiation of the idea of common morality. Such an inference is the mistake of a rampant and mindless relativism. 1

In the ultimate case we could simply abandon the term delinquency, and ask why some individuals kill, assault, or steal, in specified situations, while others do not.

The use of official statistics as a measure of delinquency is quite clearly open to many criticisms. Other methods have their dangers. My only claim would be that official figures provide information it would be foolish to ignore. Attempts to assess the extent of delinquent behaviour by other means have shown that such behaviour is much more common than suggested by official statistics, and less clearly concentrated in the disadvantaged sections of society. Many of the problems of understanding and coping with delinquency remain unchanged by this additional information.

Overall, Jim Thompson is presenting a moral argument, challenging the judgements we make about the behaviour of others. However worthwhile such a moral debate may be, it is a different question.

The symposium centred on a more limited pragmatic problem; given our present form of society, what do we do about those who show little concern for others? The implied radical answer: "have a social revolution" is not very helpful.

One final comment. I quoted a study by Grant and Grant which suggested that different levels of social maturity should be regarded as needing different types of treatment. Jim Thompson assumes that social maturity means social conformity. In fact, the term was used in the technical sense developed by Grant and Grant, who describe stages of social maturity similar to those described by Piaget for moral judgement. In this scheme blind conformity to society's rules represents a relatively low level of social maturity. Jim Thompson's examples, Gandhi, and Martin Luther King, would have been covered by descriptions of the highest levels of social maturity.

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1 David Matza: 'Becoming Deviant', Prentice Hall, 1969.